

**RESOURCE MATERIALS FOR
RESPONDING TO LEGAL QUESTIONS
FROM THOSE DISPLACED BY HURRICANE KATRINA**

Prepared by:

State Bar of Texas, Hurricane Katrina Task Force

www.texasbar.com

September 9, 2005

NOTICE TO ATTORNEYS

(September 9, 2005)

The preparation of these materials is a project of the State Bar of Texas and the result of the efforts of many dedicated and committed attorneys in the State of Texas. We have incorporated throughout the document materials prepared previously by the Louisiana State Bar Association (September 4, 2005) as well as other legal aid organizations (www.lsba.org). Additionally, training on working with victims and evacuees of the hurricane was provided to over 200 attorneys in Houston on September 6, 2005. The training was video taped and can be accessed on-line through the State Bar of Texas' website (www.texasbar.com) or the Houston Bar Association's website (www.hba.org).

There are a number of existing topics that we plan to refine and new ones that we will be adding in future revisions of this document. Please know that we are working to add this material into the document, but, at the same time would like to hear from you regarding questions that you are fielding and thoughts on how it can be improved. The document and its exhibits can be downloaded from the State Bar of Texas' or Houston Bar Association's websites. Please check these websites frequently to make sure that you are using the latest and greatest version.

If you have an interest in helping provide legal assistance to the victims of the hurricane, whether in person or by phone, please contact Emily Jones, Executive Director of Texas Lawyers Care, a department of the State Bar of Texas, at ejones@texasbar.com or (800) 804-2222 (ext 2155). For volunteer opportunities in the Greater Houston area, please contact David Mandell, the Executive Director for the Houston Volunteer Lawyers Program (HVLP) at david.mandell@ehvlp.org or Melanie Richard at melanie.richard@ehvlp.org.

Special thanks goes to Steve Boutwell, Deirdre Brown, Christine Carbo, Kevin Curry, Karin Crump, Veronica Carmona Czuchna, Karen Downs, Gindi Eckel, Roland Garcia, Tom Gruenert, Don Hockaday, Bill Jarman, Keith Lapeze, Carey Messina and Andrew Strong for their contributions to this document. If, at any time, you have any questions, comments, or thoughts on how this document can be improved, please contact Andrew Strong at andrew.strong@pillsburylaw.com or 713-425-7377.

Again, this document is a "work in progress" and we need your input!

HELPFUL HURRICANE KATRINA WEBSITES

(September 9, 2005)

The following is a list of helpful websites that provide useful information to attorneys interested in volunteering or in providing legal assistance to the victims of Hurricane Katrina.

State Bar of Texas	http://www.texasbar.com
Louisiana State Bar Association	http://www.lsba.org/home/lsbahome.asp
Texas Young Lawyers Association	http://www.tyla.org/katrina.html
Houston Bar Association	http://www.hba.org
Baton Rouge Bar Association	http://www.brba.org/
Probono.net – Louisiana & Texas	http://www.probono.net/
LawHelp - Louisiana	http://www.lawhelp.org/LA/
LawHelp - Texas	http://www.texaslawhelp.org/TX/index.cfm
Federal Emergency Management Agency	http://www.fema.gov
Social Security Administration	http://www.ssa.gov/emergency/
U.S. Health & Human Services	http://www.hhs.gov/katrina/
U.S. Internal Revenue Service	http://www.irs.gov/newsroom/article/0,,id=147085,00.html
U.S. Postal Service	http://www.usps.com/
Louisiana Governor's Office	http://www.gov.state.la.us/
Louisiana Department of Labor	http://www.ldol.state.la.us/
Louisiana Office of Financial Institutions	http://www.ofi.state.la.us/
Louisiana Department of Insurance	http://www.ldi.state.la.us/HurricaneKatrina.htm
Hurricane Insurance Information Center	http://www.disasterinformation.org/

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1.0 INTRODUCTION

1.1 Overview of This Document

This document is provided as a resource to attorney volunteers who are fielding questions from victims of Hurricane Katrina. It has been principally developed to assist evacuees to Texas and, therefore, covers a number of legal issues that are guided by Texas law. We anticipate, however, the Louisiana residents now in Texas will have a number of questions that will require some knowledge of Louisiana law in certain areas. We have not endeavored to cover all areas of Louisiana law but only those where we anticipate a number of questions. These include, for example, landlord/tenant issues, employer/employee issues, and personal and real property (referred to in Louisiana as movable and immovable property).

Please understand that this document is a starting point and is not intended to be the sole resource for you to rely upon in providing legal assistance to the victims of the hurricane. If a matter appears to be a true *pro bono* type matter that would qualify for submission to the legal aid services organizations or clinics (all of which are based upon whether or not the applicant satisfies the intake criteria), you should gather pertinent information regarding the claim or matter and contact a member of these organizations for further processing. See Table 1, below, for information regarding the legal services organizations that are available. Be mindful, however, that most of the Texas-based organizations will not accept a matter that involves acts or occurrences in Louisiana or will be guided by Louisiana law. We have listed the names and contacts for the various legal aid associations in Louisiana.

NOTE: If a victim reports or makes a claim of some type criminal activity or, for example, child abuse, you should immediately report this to the appropriate local, state or federal law enforcement officials.

Please be advised that the Louisiana State Bar Association (LSBA) and the State Bar of Texas (SBOT) have set up toll free telephone numbers for victims of Hurricane Katrina to obtain access to pro bono legal assistance. The numbers are as follows:

Louisiana (LSBA) (800) 310-7029

Texas (SBOT) (800) 504-7030

Your work in helping the victims of Hurricane Katrina is essential and will have a long term and meaningful impact on their lives. They have lost everything and we can be a light to them as they begin to put their lives back together.

Table 1. Listing of Legal Services Providers

LSC Programs (Louisiana)	
Capital Area Legal Services Corporation 200 Third Street P.O. Box 3273 Baton Rouge, LA 70821 (800) 256-1900 http://www.calscla.org/	Main Office – East Baton Rouge, East Feliciana, West Baton Rouge, Pointe Coupee, Iberville and St. John Parishes, West Feliciana; Donaldson office – Ascension (West), Assumption and St. James Parishes; Houma office – Lafourche and Terrebonne Parishes; and Gonzales Office – Ascension Parish (East).
Legal Services of North Louisiana, Inc. 720 Travis Street Shreveport, LA 71101 (800) 826-9265 http://www.lsnl.org/	Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, Desoto, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Quachita, Red River, Richland, Sabine, Tensas, Union, Webster, West Carroll and Winn Parishes
Acadiana Legal Service Corporation 1020 Surrey Street P.O. Box 4823 Lafayette, LA 70502-4823 (800) 256-1175 http://www.la-law.org	Acadia, Allen, Avoyelles, Beauregard, Calcasieu, Cameron, Evangeline, Iberia, Jefferson Davis, Lafayette, Rapides, St. Landry, St. Martin, St. Mary, Vermilion, and Vernon
Southeast Louisiana Legal Services Corporation 1200 Derek Drive Suite 100 P.O. Drawer 2867 Hammond, LA 70404-2867 (800) 349-0886 http://www.lawhelp.org/program/921/	Orleans, Jefferson, St. Charles, St. Bernard, Plaquemines, St. Helena, Livingston, Tangipahoa, Washington, and St. Tammany.
LSC Programs (Texas)	
Legal Aid of NorthWest Texas 2212 Arlington Downs Road Arlington Downs Centre, Suite 102 Arlington, Texas, 76011 (800) 955-3959 http://www.lanwt.org/	Northern Texas
Texas Rural Legal Aid Inc. 300 South Texas Boulevard Weslaco, TX 78596 (800) 369-0574 http://www.trla.org/	South, Central and West Texas
Lone Star Legal Aid 414 East Pillar Street P.O. Box 631070 Nacogdoches, TX 75963-1070 (800) 354-1889 http://www.lonestarlegal.org/	East Texas (from Galveston to Texarkana)
Legal Aid and Bar Association Clinics	
Houston Volunteer Lawyers Program 712 Main, Suite 2700 Houston Texas 77002 (713) 228-0735 http://www.ehvlp.org/	

Legal Aid and Bar Association Clinics (con'td)	
Texas Lawyers Care PO Box 12487 (zip 78711) 1414 Colorado Street, Suite 604 Austin, TX 78701-1627 (512) 463-1463, ext. 2155 (800) 204-2222, ext. 2155 www.texasbar.com	Department of the State Bar of Texas.
Advocacy, Inc. 7800 Shoal Creek Blvd. #171-E Austin, TX 78757-1024 512-454-4816 (V/TDD) 512-323-0902 (Fax) 1-800-252-9108 (V/TDD) http://www.advocacyinc.org/	Advocates legal rights of those with disabilities.

1.2 The Role of the Volunteer Lawyer

Type of Legal Services Rendered – Based on past experiences with hurricanes and other natural disasters, volunteer attorneys are asked to provide advice on the following:

1. Assistance with filing for emergency assistance
2. Assistance with insurance claims (life, property, medical, etc.)
3. Counseling on lessor-lessee, homeowner, and other housing problems
4. Assistance with home repair contracts
5. Assisting in consumer protection matters, remedies, and procedures
6. Counseling on mortgage foreclosure problems
7. Replacement of important legal documents destroyed in the natural disaster, such as wills, green cards, and the like.
8. Drafting of powers of attorney
9. Estate administration (insolvent estates)
10. Tax questions
11. Preparation of guardianships and conservatorships
12. Referring individuals to local or state agencies which might be of further assistance (e.g. consumer affairs).

1.3 Process of Providing Legal Services to the Disaster Victims

State of Louisiana Toll-Free Number [800-310-7029]. When a victim calls into the Louisiana toll-free number, the staff at the Louisiana State Bar Association will take down some initial information from the individual on the Intake Form. The staff will then immediately determine whether the case is one in which lawyer assistance is required, and if so, whether the matter should be forwarded to the ABA/YLD FEMA attorney or to one of the other attorneys volunteering to provide non-FEMA legal assistance. The staff will then immediately fax or email the intake form to the appropriate volunteer attorney.

When the volunteer attorney receives the Intake Form (*See Exhibit A*), the volunteer attorney should immediately determine whether the legal service requested is a fee-generating matter and, if so, refer the victim to the local bar association or the Louisiana attorney referral service at www.louisiana-legal.com/referral.htm. Additionally, in the event the volunteer attorney determines the case is beyond the attorney's expertise, the volunteer attorney has a conflict of interest, or the volunteer attorney cannot handle the case for any other reason, the attorney should immediately call the Louisiana State Bar Association hotline number and ask that the case be reassigned.

Once the volunteer attorney has made the decision to accept the matter, the volunteer attorney should call the victim within 24 hours of the time after the initial call was made by the individual to the Louisiana State Bar Association for help. The attorney should then help the individual with his/her legal needs, keeping careful notes regarding the intake, recommendations, and disposition of each case for her/his own benefit and the benefit of any lawyer who may subsequently be involved in the case.

After completion of the matter, the Case Closure form (*See Exhibit B*) should be completed and emailed to LouisianaBar@yahoo.com or faxed to 337-233-9450. If the matter is still open ninety days after the assignment, a brief report on the anticipated closing date should be faxed or emailed in the same fashion. All volunteer attorneys should keep track of the amount of time spent on each case and should include this information in the Case Closure Form.

State of Texas Toll-Free Number [800-504-7030]. The toll free number in Texas will operate a bit differently than the one in Louisiana. The State Bar of Texas will host the 800 number and during the daylight hours (typically 9 am to 6 pm), the calls will be answered by legal services attorneys or paraprofessionals based upon the call of origin. For example, calls from Houston will be bounced back to Houston, calls from San Antonio to San Antonio and so on. In the evening hours, the 800 number will go into a voicemail system in English or Spanish and the caller will be asked to leave information so that an attorney can call them back (or the caller will be instructed to call back during the working hours if they do not have a return phone number). Each morning, the calls left overnight will be transcribed onto a call sheet (the FEMA Intake Form, Exhibit A) and the sheets will be distributed to a pre-set list of organizations or attorneys across the state or nation based upon type of legal question or origin of call. As the callbacks are completed, the Intake Form and a completed Case Closure Form (*See Exhibit B*) will be returned to the State Bar of Texas for reporting purposes. The goal is to return every call received during the evening by the close of business the next day.

In addition, the State Bar of Texas and the local bar associations will be providing legal assistance at shelters and disaster recovery centers around the State. The volunteer attorney should use the Intake Form for each person he or she interacts with.

1.4 Information You May Need in Helping the Victims

Obtain the following information from the individual you are assisting:

- full name, names and ages of family members living with the individual at time of disaster;
- whether they are a plaintiff or defendant in any existing cases (if so, you should assist them in locating their counsel),
- present and disaster area addresses, as well as telephone number(s) where the individual may be contacted,
- description of losses and disaster-related problems,
- insurance information, and
- citizenship status.

Note: only U.S. citizens and qualified aliens are entitled to FEMA benefits; however, children born in the U.S. to undocumented aliens qualify for FEMA benefits, while undocumented aliens are entitled to non-cash assistance through FEMA, including disaster legal services, emergency food and shelter, and crisis counseling.

1.5 Locating Missing Family and Friends

To register a displaced person, a missing relative, or a friend, or view the existing list of registrants, please visit the American Red Cross “Family Links Registry” at www.familylinks.icrc.org/katrina. You may also call the American Red Cross’s Family Linking hotline at 877-568-3317. To inquire about family and friends that did not evacuate the Greater New Orleans area, contact the American Red Cross at 866-438-4636 or www.redcross.org. Another source for information on how to locate a family member or friend affected by Hurricane Katrina is:

http://firstgov.gov/Citizen/Topics/PublicSafety/Hurricane_Katrina_Recovery.shtml

Section 10, below, provides additional resources for locating missing family members or friends.

1.6 Temporary Housing Issues

Lawyers can assist disaster victims with housing and consumer law issues by educating them about their rights, negotiating with creditors, financial institutions, and collection agencies for moratoriums and extensions of loan and bill payments, and advising clients about their rights regarding consumer contracts and collection agency activities.

In the Greater Houston area, a partnership between the Houston Area Urban League, Houston Area Realtors (HAR), Channel 2 KPRC, Houston Bar Association and Houston Young Lawyers Association was formed to aid in matching displaced families in vacant

homes and apartments (referred to as “golden nuggets”) that are being offered by generous Houston for free. Because of the potentially thorny legal issues regarding the rights and obligations under of a landlord and tenant under the conventional lease agreement, the partnership has prepared a Letter of Understanding to help facilitate the match. A copy of the Letter of Understanding is attached hereto as Exhibit C.

The HAR website is <http://www.har.com/RealtorsHelp/> and provides an on-line form for the donor to list their home or apartment as an available place for shelter as well as a form for the family or individual looking for temporary housing. As of September 8, 2005, there were 1,457 shelters donated and 2,165 applications for a shelter. Information can be accessed by care providers or victims of the Hurricane on the site and by calling the Houston Area Urban League at 713-393-8732 or <http://www.haul.org/>.

1.7 Louisiana Emergency Suspension of Legal Deadlines

On September 6, 2005, Louisiana Governor Blanco issued an Emergency Order that suspends all legal deadlines starting on Monday, August 29, 2005. A copy of the order is attached hereto as Exhibit K. In pertinent part, Section 1 of the Order specifies that:

“[a]ll deadlines in legal proceedings, including liberative prescriptive and peremptive periods in all courts, administrative agencies, and boards are hereby suspended until at least September 25, 2005, including, but not limited to, any such deadlines set for in the following:

- A. Louisiana Civil Code;
- B. Louisiana Code of Civil Procedure;
- C. La. R.S. Title 9, Civil Code Ancillaries;
- D. La. R.S. Title 13, Courts and Judicial Procedure;
- E. La. R.S. Title 23, Chapter 10, Worker=s Compensation;
- F. La. R.S. Title 40, Chapter 5 Part XXI-A, Malpractice Liability for State Services; and
- G. La. R.S. Title 40, Chapter 5, Part XXIII, Medical Malpractice.

2.0 FEMA ASSISTANCE

When the President of the United States declares a “major disaster” anywhere in the United States or its territories, federal assistance is made available to supplement the efforts and resources of state and local governments and voluntary relief organizations pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended 42 U.S.C. 5121, *et seq.*

In Louisiana, the following 31 parishes were declared disaster areas on August 29, 2005: Acadia, Ascension, Assumption, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermillion, Washington, West Baton Rouge and West Feliciana. Individuals and business owners in these parishes are eligible for aid. FEMA has identified this disaster as number 1603.

Individuals, families and businesses in these parishes may be eligible for federal assistance if they live, own a business, or work in a parish declared a Major Disaster Area. Help may also be available to those who have incurred sufficient property damage or loss and do not have insurance or other resources to meet their needs. **The most important thing a disaster victim must do to obtain FEMA assistance is to register with FEMA.** To apply for Assistance for Individuals and Households, individuals should register with FEMA toll-free at 1-800-621-FEMA (TTY: 1-800-462-7585) within **60 days of the declaration of the disaster.** Attached as Exhibit D is the FEMA publication entitled “Help after a Disaster – Applicant’s Guide to the Individuals and Housing Program,” which includes information about what type of assistance is available, who is eligible, the process for obtaining assistance, and frequently asked questions.

However, not everyone who has suffered in this hurricane is entitled to FEMA assistance. FEMA has established a policy for preventing and for rectifying duplication of benefits under 44 CFR 206.91. FEMA’s duplication of benefits policy includes the concept of sequence of delivery which establishes the order in which the major forms of assistance should be provided. The agency that has the primary responsibility for delivering a certain type of assistance should provide that assistance first, and may do so without regard to other agencies with similar assistance that are lower in the sequence. Agencies are not prohibited from disrupting the sequence of delivery when it serves to expedite the recovery of an applicant. However, the agency that disrupts the sequence of delivery must take corrective action.

The sequence of delivery for major forms of assistance is as follows:

1. **Voluntary organizations** – Those that provide emergency assistance in the form of food, clothing, shelter, medical, and transportation needs.
2. **Private insurance benefits** – Insured applicants must file a claim with their insurance company before receiving federal assistance. They may be

eligible to receive disaster assistance if they have insufficient coverage or have items not covered by their insurance policy.

3. **Temporary Housing Assistance** – FEMA funds and administers the Temporary Housing program, which is designed to provide disaster applicants with a grant for their housing needs. There are five forms of temporary housing, including (a) Lodging expense reimbursement for the cost of short-term lodging such as hotel rooms (food, transportation, telephone, separately billed utilities and other services not eligible for reimbursement); (b) Minimal repairs assistance to help those immediate emergency repairs to live in the residence while permanent repairs are being made (not intended to address all of damage or restore home to pre-disaster condition); (c) Rental assistance – eligible applicants will receive financial assistance to rent a dwelling for the pre-disaster household to live for up to 18 months based on need (FEMA may provide a list of available rental properties as well); (d) Manufactured housing – when rental properties are unavailable, FEMA may provide in-kind assistance in form of trailers, manufactured homes or other readily fabricated dwellings for use as temporary housing for up to 18 months subject to recertification of continuing eligibility (applicants receiving in-kind assistance are not eligible for financial assistance); and (e) Mortgage and Rental Assistance provides a means to keep people who have suffered a substantial change in household income in their homes by assisting with their mortgage or rental payments and preventing foreclosures or evictions. The application period is up to 6 months after the date of declaration and the assistance is available for up to 18 months based on need.
4. **Small Business Administration (SBA)** – SBA provides low interest, long-term disaster loans for individuals to repair/replace real and personal property for non-farm businesses. If SBA determines that an applicant is ineligible for an SBA loan or if the loan amount is insufficient, SBA refers the applicant to FEMA for additional consideration. Borrowers are required to maintain appropriate hazard and flood insurance, where required. SBA can only approve a loan to an applicant with a reasonable ability to repay the loan.
5. **Individual and Family Grant Program (IFG)** – IFG is administered by the State of Louisiana to provide funds to disaster victims to assist them in meeting disaster-related expenses for which assistance from other means is either insufficient or unavailable.
6. **Voluntary Organizations** – Those that provide assistance during recovery as well as during immediate emergency response. This includes national and local groups.
7. **Cora C. Brown Fund** – This fund, named after Cora Brown who died in 1979 and bequeathed part of her estate to the federal government to be

used solely for human suffering caused by natural disasters, is used for disaster victims who have exhausted all avenues of assistance, but who still have unmet needs. FEMA uses these funds under the authority of 42 U.S.C. 5201(b) of the Stafford Act and 44 CFR 206.181.

Other forms of individual assistance programs include:

- **Disaster Unemployment Assistance (DUA)** – DUA provides financial help and employment services to people who are otherwise ineligible for regular state unemployment compensation. DUA provides help for workers and those who are self-employed if they become unemployed as a direct result of a declared major disaster. DUA is funded 100% by FEMA and administered by the Department of Labor through the Louisiana Department of Labor. More information can be obtained from <http://www.ldol.state.la.us>.
- **Crisis Counseling** - Funds are provided by FEMA as a grant to state and local mental health agencies to provide crisis counseling to help relieve grieving, stress, or mental health problems resulting from the disaster or its aftermath. Contact information for Louisiana's mental health agency is as follows: Warren T. Price Jr., Assistant Secretary, Office of Mental Health, P.O. Box 4049, Bin #12, Baton Rouge, LA 70821-4049, Phone: 225-342-2540, Fax: 225-342-5066, www.dhh.state.la.us/OMH/index.htm. The National Center for Mental Health call center can be reached weekdays from **8:30 a.m. to 5:00 p.m.** Eastern time at **(800) 789-2647** (toll-free) **(866) 889-2647** (tdd).

Services provided include screening, diagnostic testing, counseling, and outreach services such as disseminating public information and community networking. Two types of programs are offered through CC: (a) Immediate services to help state and local agencies to respond to immediate mental health needs of a victim of a disaster - this funding is provided for up to 60 days post disaster declaration; and (b) Regular services designed to provide up to 9 months of services to victims of a disaster. (Other national, state, and local voluntary agencies have similar programs and coordinate with the Center for Mental Health Services to reduce or eliminate duplication of efforts).

For information about doing business with FEMA during Hurricane Katrina recovery, visit www.fema.gov/ofm or call Acquisitions office at 202-646-4006.

2.1 Applying for FEMA Assistance

Q. 1 How do I apply for disaster help?

If you live in a disaster area declared by the President and need disaster help call 1-800-621-FEMA (3362) (hearing/speech impaired ONLY—Call TTY: 1-800-462-7585) or apply on line at www.FEMA.gov. Click on “Online Individual Assistance Center” and

the screens will prompt you through the process. If you get a busy signal when you call the 800 number try calling in the evening after 6:00 p.m. or on the weekends when fewer people are trying to call.

When you apply you should have a pen and paper available to write down important phone contacts. You will need your social security number, current and pre-disaster address, phone numbers, type of insurance coverage, total household annual income, and a routing and account number from your bank if you want to have disaster assistance funds transferred directly into your bank account.

Q. 2 What happens after I apply for disaster assistance?

FEMA will mail you a copy of your application and a copy of “Help After a Disaster: Applicant’s Guide to the Individuals and Households Program” that will answer many of your questions. [See Exhibit D attached hereto]

- If your home or its contents are damaged and you do not have insurance an inspector should contact you within 10 days after you apply to schedule a time to meet you at your damaged home.
- If your home or its contents were damaged and you have insurance you need to work through your insurance claim first and provide FEMA with a decision letter (settlement or denial) from your insurance company before FEMA issues an inspection. ***There is an exception for damages caused by flooding; if you have flood insurance, FEMA will issue an inspection before receiving a copy of your flood insurance decision letter to evaluate your eligibility for temporary living expenses because temporary living expenses are not covered by flood insurance.
- About 10 days after the inspection FEMA will decide if you qualify for assistance. If you qualify for a grant, FEMA will send you a check by mail or deposit it in your bank account. FEMA will also send you a letter describing how you are to use the money (for example: repairs to your home or to rent another house while you make repairs).
- If FEMA decides that you do not qualify for a grant, FEMA will send you a letter explaining why you were turned down and give you a chance to appeal the decision. Appeals must be in writing and mailed within 60 days of FEMA’s decision.
- If you get a SBA Disaster Loan application in the mail, you must complete and return the application to be considered for a loan as well as certain types of grant assistance. SBA representatives are available at Disaster Recovery Centers to help you with the application. If the SBA finds that you cannot afford a loan, they will automatically refer you to FEMA’s Individual and Household grant program for help.
- If the SBA approves you for a loan, they will contact you.

- If the SBA finds that you cannot afford a loan, FEMA will contact you.

Q. 3 Two weeks ago I mailed in documents FEMA had asked for. When I called the Helpline, the service representative said the documents were not in my file. What should I do?

Because of the record number of storms this fall, many of FEMA's mail-related processes are backlogged. We sincerely apologize for any inconvenience or concern this has caused. These problems are being solved and we are confident that the documents will be in your file soon. Please remember that, when you mail or fax documents to FEMA, it is very important to include your name, your social security number, the disaster number and your registration ID number on all paperwork. This will speed handling and assure that the documents are placed in the correct file. The numbers can be found on the cover page that is included with all FEMA correspondence in the upper left hand corner of any letter FEMA sends you.

Q. 4 The letter from FEMA said I had no damages or insufficient damages, but my home was damaged and some of my personal property was damaged too. What do I do?

You may appeal any decision. When you appeal a decision, you are asking FEMA to review your case again. Appeals may relate to your eligibility, the amount or type of help you received, late applications or requests to return money. You will not automatically get another inspection just because you appeal. For additional information on the appeal process, please refer to page 10 of your Applicant's Guide or click on <http://www.fema.gov/about/process/>.

Q. 5 How long does it take to get help from FEMA?

If you have damage to your home or its contents and you are uninsured or you have suffered damage due to a flood, a FEMA inspector will contact you within 14 days of applying, to set up an appointment to assess your disaster damages. Typically, within about 10 days after the inspection, if FEMA determines that you qualify for help, you will receive a direct deposit in your bank account or a check in the mail.

Q. 6 I applied for disaster assistance two weeks ago and haven't heard from anyone. I keep calling the 1-800-621-3362 number, but I get a busy signal. Is there another way to follow up on my claim?

If you have access to the internet, you may want to consider checking the status of your case online. Go to www.FEMA.gov then click on "Online Individual Assistance Center" and follow the instructions for accessing your account information. Another option is to visit a Disaster Recovery Center in your area if there is one.

Q. 7 I received my check for rental assistance, but there are no places to rent.

If you are eligible for housing assistance from FEMA but are unable to find a rental house or apartment within a reasonable commuting distance of your damaged home,

please contact FEMA at 1-800-621-FEMA (3362) or visit a nearby Disaster Recovery Center. FEMA will evaluate your situation and, if appropriate, may authorize a travel trailer or mobile home.

Q. 8 I didn't receive enough money from FEMA to meet all my needs. What do I do now?

Most disaster aid programs are intended to meet only essential needs and are not intended to cover all your losses. Also, some people qualify for assistance from more than one program and may receive additional help from another agency. For example, the Small Business Administration is a very important source of funding for repair and replacement of real and personal property. If you received a loan application packet from the SBA, please complete and return the application as soon as possible. No work can begin on the loan until you submit your application. If you do not agree with FEMA's decision, you may appeal the decision. To file and appeal, follow the appeals process that is explained in the letter FEMA sent with the grant.

Q. 9 I know of others in my neighborhood, city or state who received help from FEMA, however I was told I have insufficient damages. Does FEMA use the same criteria when considering damages for everyone?

FEMA reviews each applicant's case individually and applies the same eligibility criteria. If you were determined to be ineligible because of insufficient damages and you feel this finding is incorrect you have a right to file an appeal.

Q. 10 I have a new telephone number. How do I update my application?

Some information, such as current phone number, mailing address, or insurance policy number, can be updated through FEMA's on-line Individual Assistance Center - Account Access, available on the FEMA.gov web-site. To update other file information you will need to call the FEMA Disaster Helpline at 1-800-621-FEMA (3362) (hearing/speech impaired ONLY—call TTY: 1-800-462-7585), visit a Disaster Recovery Center, or write to FEMA at the address provided on any correspondence you have received.

Q. 11 What are FEMA's citizenship/immigration requirements?

You must be a U.S. citizen, non-citizen national, or a qualified alien to qualify for a grant from FEMA's Individuals and Households Program. However, undocumented individuals can apply on behalf of their minor child who is a citizen and has a social security number. FEMA can provide information on how to obtain a social security number for a minor child. The minor child must live with the parent/guardian applying on his/her behalf.

The undocumented individual does not have to be a U.S. citizen, non-citizen national or a qualified alien for crisis counseling, disaster legal services or other short-term, non-cash emergency assistance. Voluntary agencies provide help regardless of immigration status.

Q. 12 Are aliens eligible for disaster assistance? Who is eligible for disaster assistance?

To be eligible for cash assistance from FEMA you must be a qualified alien. A qualified alien generally includes individuals who are lawful permanent residents (possessing an alien registration receipt card) or those with legal status due to asylum, refugee, parole (admission into the U.S. for humanitarian purposes), withholding of deportation, or domestic violence. Applicants should consult an immigration expert concerning whether or not their immigration status falls within the qualified alien category.

2.2 Disaster Recovery Centers

Q. 13 What is a Disaster Recovery Center and what services do they provide?

A Disaster Recovery Center (DRC) is a readily accessible facility or mobile office where applicants may go for information about FEMA or other disaster assistance programs, or for questions related to your case. NOTE: You cannot register for assistance at a DRC, you must register by calling 1-800-621-FEMA (3362) (hearing/speech impaired ONLY- Call TTY: 1-800-462-7585) or apply on line at www.FEMA.gov.

Q. 14 Some of the services that a DRC may provide:

- Guidance regarding disaster recovery
- Clarification of any written correspondence received
- Housing Assistance and Rental Resource information
- Answers to questions, resolution to problems and referrals to agencies that may provide further assistance
- Status of applications being processed by FEMA.
- SBA program information if there is a SBA Representative at the Disaster Recovery Center site.

2.3 Employment Issues

Q. 15 I lost my job because of the disaster and am unable to make my mortgage (or rent) payments. Will FEMA make payments until I can return to work?

No. FEMA is not authorized to make such payments. If you lost work because of the disaster, you may qualify for Disaster Unemployment Assistance (DUA). Contact the local office of your State's Employment Commission for information about DUA. The DUA program covers most people affected by a disaster, including many who do not normally qualify for regular unemployment aid. Also, be sure to speak to your lender or landlord and explain your circumstances. Special arrangements can often be made.

Q. 16 I have not been able to work since the hurricane hit. My employer says that I still have a job, but I am not drawing a paycheck. Does FEMA pay for lost wages?

If you lost work because of the disaster you may qualify for Disaster Unemployment Assistance (DUA). Contact the local office of your State's Employment Commission for information about DUA.

2.4 Farm / Agricultural Damages

Q. 17 I had damages to my farm or ranch. Can FEMA help me?

If you sustained damages to your home or personal property, you should apply with FEMA for assistance. If you had damages to your crops, livestock, farm equipment, barns, dairy, etc., you should contact your local Farm Services Agency office to inquire about the USDA's disaster assistance program.

2.5 Inspections

Q. 18 The inspector told me I was going to get money from FEMA. However, I got a letter from FEMA stating that I was not eligible. Which is correct?

The letter is correct. The inspectors are FEMA contractors and are not authorized to comment on eligibility matters.

Q. 19 What will FEMA accept as proof that I occupied my home?

There are several documents that may be used to prove occupancy. They include but are not limited to a utility bill for the damage dwelling you are occupying; a merchant's statement sent to the damage dwelling; an employer's pay statement sent to the damage dwelling, or a current driver's license showing the address of the damage dwelling.

Q. 20 What will FEMA accept as proof that I own my home?

There are several documents that may be used to prove ownership. They include but are not limited to the deed, deed of trust, mortgage payment book or other mortgage documents, real property insurance policy, tax receipts; or property tax bill. The document must list you as the legal owner along with the damaged dwelling address.

Q. 21 My Inspector called me and I missed the call. How do I contact the inspector?

The FEMA inspectors are out on inspections most days and cannot be reached while they are inspecting a home. You should wait for the FEMA Inspector to call you again. The FEMA inspectors will try to call you 3 times to arrange an appointment to inspect your property. Inspectors will call your current phone contact and alternate if you have given one. If any of your contact information has changed call the Helpline to update the information.

2.6 Insurance

Q. 22 I have insurance and filed a claim with my insurance agent, but I don't have a place to live. Is there any help for me?

FEMA cannot duplicate assistance from your insurance company. If you still have serious unmet needs after receiving your insurance settlement, FEMA may be able to provide assistance. If you are unable to locate a place to rent you, can visit a local Disaster Recovery Center (DRC) or call FEMA's Helpline at 1-800-621-FEMA (3362) to get the list of rental resources in your area.

Q. 23 I have received a settlement from my insurance company and it is not enough to cover my losses. What should I do now?

FEMA recommends the following: Read over your settlement documents carefully and be sure you understand your policy. If you believe a mistake has been made, contact your insurance agent. If you are still not satisfied, your agent can tell you how to contest the settlement. Next, call FEMA at 1-800-621-FEMA. FEMA and other agencies may be able to help cover those losses that are uninsured and otherwise eligible.

Q. 24 Are insurance deductibles covered under FEMA's programs?

FEMA does not cover insurance deductibles. If your insurance settlement does not meet your disaster related need you may be eligible for assistance from FEMA.

Q. 25 What documents does FEMA want from my insurance company?

If you apply for help from FEMA because your insurance does not cover all of your disaster related needs, you need to write a letter to FEMA explaining your situation and include a copy of a settlement or denial letter from your insurance company. FEMA cannot duplicate any insurance coverage.

Q. 26 Do I have to file a claim with my insurance company since I have to pay a deductible? Why can't FEMA just help me?

FEMA cannot give you money for items that your insurance covers, (this would be considered a duplication of benefits) but we may be able to help with uncompensated losses or unmet needs not covered by your insurance company. If you have not already contacted your insurance agent to file a claim, please do this as soon as possible. If you do not file a claim with your insurance company FEMA help may be limited.

Q. 27 My insurance company told me it would be weeks before they come to see my damages. Can FEMA help?

If a decision on your insurance settlement has been delayed longer than 30 days from the time you filed the claim you may be eligible for an insurance advancement from FEMA. These funds are considered a loan and must be repaid to FEMA once you receive your settlement from your insurance company. Contact FEMA if your insurance settlement is

delayed. FEMA will send you a Request for Advancement and Signature letter. You must complete and return this letter before FEMA can evaluate your request for assistance.

2.7 Late Registration

Q. 28 I had extenuating circumstances that prevented me from applying for assistance before the registration filing deadline. I have damages from the disaster, what can I do?

You may make a late registration within 60 days after the filing deadline. A letter will be sent stating you are not eligible for consideration for disaster assistance under the Individuals and Households program. The letter will contain information on how you can appeal this decision if you had extenuating circumstances that kept you from filing during the open registration period.

2.8 Returning Funds

Q. 29 I need to return a check or pay money back to FEMA. Where do I send it?

Treasury Checks: If you have not cashed the Treasury Check and wish to return it, or you have been advised in an official letter from FEMA to return the check, mail it to Department of Treasury, P.O. Box 149058, Austin, TX 78714-9058.

Personal Checks/Cashiers Checks/Money Orders: If you have already cashed the treasury check and wish to return the funds, or you have been advised in an official letter from FEMA to return the payment, send your personal check (or money order / cashier check) to FEMA Lockbox, Bank of America, and P.O. Box 198355, Atlanta, GA 30384-8355. Do NOT send cash.

State Checks: If you have received a check from your State for your damaged personal property and wish to return the check or have been advised in a letter to return the funds, you will need to mail the check / payment back to the state. The address will be listed on the letter that accompanied your check.

2.9 Road and Bridge Damages

Q. 30 My home is not damaged, however a public road and / or bridge has been damaged and preventing access to my home. Can FEMA help me?

Yes. If damages to a public road or bridge prevents or restricts you from accessing your home, FEMA may be able to provide assistance.

Q. 31 If I own the bridge and / or road that is damaged, should I apply for assistance?

Yes, if the private road or bridge damage prevents or restricts access to your home, FEMA may be able to provide assistance.

Q. 32 What if I share ownership and responsibility for the road and / or bridge with other families, do they all need to register?

All households who share in the responsibility of maintaining the private road and / or bridge should be encouraged to register, particularly if the damages prevent or restrict access to their homes.

2.10 Small Business Administration (SBA)

Q. 33 Why am I being referred to the SBA?

The Small Business Administration (SBA) is the primary source of federal funds for long-term recovery assistance for disaster victims. The SBA has low-interest disaster loans for homeowners, renters and non-farm businesses to cover disaster damage to real and personal property.

Q. 34 Does the SBA make loans to individual or just businesses?

The SBA can loan money to homeowners, renters, and business owners. Homeowners may borrow up to \$200,000 for disaster related home repairs. Homeowners and renters may borrow up to \$40,000 to replace disaster-damaged personal property including vehicles. The SBA may not duplicate benefits from your insurance or FEMA. You may receive an SBA referral when you apply with FEMA.

Q. 35 How do I reach the SBA Hotline?

The SBA has loan officers in the Disaster Recovery Centers to provide face-to-face service to disaster victims. You may visit the SBA at any of these locations without an appointment. A SBA representative will be glad to answer questions and help complete your application. To find out where the SBA disaster offices are located an applicant can call the SBA toll-free at 1-800-488-5323.

2.11 Travel Trailer/Mobile Home

Q. 36 How do I Get a Travel Trailer or a Mobile Home? (Florida and Alabama disasters only)

If you are eligible for housing assistance from FEMA but are unable to find a rental house or apartment within a reasonable commuting distance of your damaged home, please contact FEMA at 1-800-621-FEMA (3362) or visit a nearby Disaster Recovery Center. FEMA will evaluate your situation and, if appropriate, may authorize a travel trailer or mobile home.

Q. 37 How long can I use the travel trailer/mobile home?

If FEMA provides you with a travel trailer or mobile home you may be able to use it for up to 18 months from the date of declaration if you continue to have a disaster related housing need.

Q. 38 My family is too large for a travel trailer/mobile home. What do we do?

FEMA can provide more than one travel trailer for a family if necessary.

Q. 39 Can I have a ramp built for a travel trailer/mobile home?

When FEMA makes our initial assessment of your site to decide if it is possible to place a travel trailer/mobile home at your home, we include any requirements for ramps. If you did not receive a ramp and require one, call the FEMA Helpline at 1-800-621-FEMA (3362). A helpline representative will ensure that someone will get back in contact with you.

Q. 40 One of the storms damaged the Travel Trailer that FEMA provided me. What should I do?

Contact the maintenance number provided when you were leased into your unit. If you do not have the number, call the FEMA Helpline at 1-800-621-FEMA (3362). A helpline representative will ensure that someone will get back in contact with you.

2.12 General Questions

Q. 41 After the storm the gas station up the street was charging \$3.00 a gallon for gas. Isn't that price gouging?

If you find price gouging, contact your state Attorney General's office.

Q. 42 When funds are provided for disaster assistance in other countries, does this affect the amount of money that is available for my state?

No. If Federal disaster assistance is designated for your area, the disaster relief funds for your state will not be affected by any funds provided for international relief efforts.

Q. 43 My vacation/secondary home was damaged. Can I get any help?

Damages to a secondary or vacation home are not eligible under FEMA's disaster assistance program. However, if you own a secondary home that is rented out or occupied by a family member, you may be eligible for assistance from the Small Business Administration.

Q. 44 Will FEMA help me pay my utility bills?

No, FEMA cannot pay utility bills. However, local charitable organizations may be able to help for a short period. We suggest you contact the Red Cross or your local United Way office for a referral to a local agency that may be able to help.

Q. 45 I lost my food because of the power outage; will I be reimbursed for it?

FEMA's disaster assistance program does not cover food losses. Voluntary organizations in the disaster area may be able to help you with a hot meal or other immediate needs for food.

Q. 46 I have trees down all over my yard, is there any help for debris removal?

Many homeowners' insurance policies cover debris removal. FEMA does not typically pay for cleaning up debris on private property or in gated communities, but if the debris is keeping you or emergency workers from safely getting to your home, FEMA may be able to provide help. Your local officials can also tell you if there is a pickup schedule for debris in your area.

Q. 47 I purchased a generator. Will I be reimbursed?

FEMA reviews requests for reimbursement of the cost of a generator on a case-by-case basis and determines if a generator was purchased to overcome a disaster-related hardship, injury, or adverse condition. You should register and submit your receipts to see if the cost is covered.

Q. 48 Does disaster help have to be repaid?

A grant from the Individual and Households Program does not have to be repaid. Loans from the Small Business Administration must be repaid.

Q. 49 FEMA told me to send in my receipts. What is the mailing address?

Please mail all correspondences to the following address:

Mail: FEMA – Individual and Households Program
National Processing Service Center
P.O. Box 10055
Hyattsville, MD 20782-7055

Or

Fax it to: 1-800-827-8112

Please write your name, social security number, disaster number and registration number on all pages of your document and keep a copy for your own records.

Q. 50 I got a check from FEMA. What can I use the money for?

FEMA sends you money to meet your housing and personal property needs related to the disaster. You will receive a letter from FEMA telling you what the money covers. Be sure to read the "Applicant's Guide" the booklet included with your letter, for additional information.

Q. 51 Can I get more information about disaster assistance in the Internet?

Yes. The best place to start is at www.fema.gov/about/process. There you can download a booklet called “*Help After a Disaster: Applicant’s Guide to the Individuals and Households Program*.” If you have already applied to FEMA, you should have received the same booklet in the mail. This is a very useful publication that explains how FEMA’s disaster assistance program works; describes additional kinds of help you may qualify for from other Federal, State and voluntary agencies; and gives you many important tips on how to best make all these programs work for you.

Q. 52 I have a lot of damage but I received a letter from FEMA stating I am getting “\$0”. How come?

Please read the entire letter and pp 7-9 of the “Applicant’s Guide”, which was mailed to you after you applied. This book explains the reasons for denial. The most common reasons for denial letters are because you have insurance to cover the loss or because your property is a secondary or vacation home. If you have received your insurance settlement and it does not cover all of your necessary expenses and serious needs, please contact FEMA at 1-800-621-FEMA (3362).

Source: <http://www.fema.gov/news/newsrelease.fema?id=14183#12>

3.0 LANDLORD/TENANT ISSUES

3.1 May I Terminate My Lease Because of the Disaster?

Q. 53 What are my rights if I want to terminate my lease on my dwelling, following the disaster?

If the dwelling is “totally destroyed” as a result of a disaster the lease terminates. La. Civ. Code art. 2714. If the dwelling is partially destroyed or damaged (or its use is otherwise substantially impaired) because of a disaster, the tenant may terminate the lease. La. Civ. Code art. 2715. Lease termination for a partial destruction, however, is not automatic, and the tenant must give written notice to the landlord. Upon termination, the tenant is entitled to a refund of any security deposit (less lawful deductions), plus a pro rata refund of any prepaid rent. The landlord must refund the security deposit and/or provide a statement of any lawful deductions from the deposit within one month after the tenant moves out. La. Rev. Stat. § 9:3251. The tenant shall furnish the landlord a forwarding address at the termination of the lease, to which such statements may be sent. *Id.* If the lease is lawfully terminated because it is totally or partially destroyed, the landlord cannot prevent the tenant from retrieving the tenant’s personal property in the dwelling.

NOTE: Most leases have specific provisions that apply if the dwelling is totally or partially destroyed, and these provisions dictate the rights of the tenant or landlord. *See Cerniglia v. Napoli*, 517 S.2d 1209 (La.App. 4 Cir. 1987). Additionally, whether the dwelling is totally or partially unusable is a fact question decided on a case-by-case basis. To be considered “totally destroyed,” the property must cease to be fit for use as a dwelling. Extreme flood or storm damage would likely be a “total destruction,” but minor flood or storm damage may only be a partial destruction. *See Chargeois v. Fiero*, 129 So. 229 (La.App. 1930). A temporary inconvenience from a flood (such as not being allowed to return to the dwelling for a time, but the dwelling did not suffer any damage) is not considered a total or partial destruction. *Dussnau v. Generis*, 6 La. Ann. 279 (1851) (The tenant, however, was only obligated to pay rent after the inconvenience ended.).

3.2 How Much Rent Do I Have To Pay?

Q. 54 If the premises are totally unusable because of the disaster, do I have to permanently move out even though I want to stay?

Again, if the dwelling is “totally destroyed” as a result of a disaster the lease terminates. La. Civ. Code art. 2714. However, the landlord could agree to keep the lease in force while the dwelling is repaired.

Most landlords should be willing to keep the lease in force and suspend all rent payments if the tenant does not stay in the dwelling while the landlord is trying to repair or restore the flood damage. In major repair situations, the landlord usually wants the premises empty for efficient repair and avoidance of personal injury liability. Depending on the circumstances, the landlord may be willing to allow the tenant to stay in the dwelling

rent-free until the premises are restored or repaired—even if the premises normally would be considered totally unusable. If this is what you would like to do, you need to discuss it with your landlord as soon as possible.

Q. 55 If the dwelling is partially unusable because of the disaster and if I don't want to permanently move out, can my rent be partially abated (temporarily reduced)?

If the premises are partially unusable for residential purposes after the disaster, the tenant may obtain a reduction or abatement of the rent during the length of the repairs. La. Civ. Code art. 2693. This rent reduction, however, is not automatic, and the amount of the reduction depends on the circumstances of each case. The landlord, however, can terminate the lease when: (1) the lease itself gives the landlord the right to terminate when a disaster renders the dwelling partially unusable, or (2) the landlord and tenant mutually agree to terminate the lease.

NOTE: Whether the dwelling is totally or partially unusable is a fact question decided on a case-by-case basis. The law does not give either the landlord or tenant the right to unilaterally decide how much the rent abatement should be. Obviously, before paying less than the full rent, the tenant should talk to the landlord and try to reach a mutual agreement on any rent abatement or reductions that are justified because a disaster has rendered the premises unusable. If the landlord and the tenant cannot agree on the appropriate amount of the reduction or if the unit is totally or partially unusable, the tenant must sue and have a court decide the amount. The tenant cannot unilaterally reduce the rent.

Q. 56 May I withhold payment of rent because of the disaster or because the landlord has failed to timely repair the dwelling after the disaster?

No. Louisiana law prohibits a tenant from withholding rent on grounds of uninhabitability. If, after the disaster, neither the tenant nor the landlord has terminated the lease because the dwelling is totally unusable, the tenant has the right to repair with immediate reimbursement from the landlord or the right to deduct the amount from the payment of rent if the landlord does not timely repair. La. Civ. Code art. 2694. Timeliness of repair by the landlord may depend on the availability of materials, labor and utilities and, in some cases, on when the landlord receives insurance proceeds from his or her insurance company. The tenant has other remedies, such as termination of the lease, if the landlord fails to timely repair. *See* La. Civ. Code art. 2715.

Q. 57 Do I have to keep paying rent to my landlord while I am not living at my house/apartment?

The Louisiana Civil Code provides that the total destruction of leased property results in termination of the lease, with no further liability on the part of landlord or lessee. (Civil Code. Art. 2714) Partial destruction of the leased premises gives rise to a right on the part of the lessee to seek dissolution of the lease. (Civil Code Art. 2715)

So, the practical advice is that the client should hold payments until the condition of the leased property is verified.

Q. 58 What can happen and what should I do if I cannot pay the rent on my dwelling because of job or salary interruptions following the disaster?

Temporary government rent assistance may be available from the Federal Emergency Management Agency (FEMA) or other governmental agencies. NOTE: the application for or the receipt of entitlements or funds, under any federal or state program or rent subsidy assistance, shall not be considered payment of rent and shall not be a defense to an action to evict the lessee. La. Rev. Stat. § 9:3259.2. Therefore, the landlord can file eviction proceedings even though you may be entitled to government assistance.

If your lease is terminated because the dwelling is totally unusable, you must move out, regardless of whether you can or cannot pay the rent.

If you live in public or federally subsidized housing or receive Section 8 assistance, you are entitled, in most circumstances, to have your rent reduced when you suffer a loss in income. You must notify your landlord or the housing authority.

If the landlord is entitled to evict you and you do not move after the landlord has given you notice to vacate, you can be evicted only through a lawsuit. NOTE: although the law requires a five-day notice to vacate, this notice period can be waived in the lease.

Q. 59 How could I pay rent if I wanted to?

For residential leases, the landlord probably is local and probably had to evacuate just like the lessee. Clients should be advised not to mail payments until the USPS procedures for forwarding mail to evacuees are clarified, or until client can verify the landlord is receiving mail at the old address.

Q. 60 Can my landlord rent my home/apartment to someone else while I am gone?

Short answer is that the landlord is required to surrender peaceable possession of the leased premises to the lessee for the term of the lease. (Civil Code Art. 2700) Landlord can not impair peaceful possession unless there has been a default by lessee and the lease has been terminated.

The unfortunate practical advice here is not to worry about it until it can be verified that the leased premises still exist in habitable form.

Q. 61 How do I contact my landlord?

One hopes that phone service will be restored in the near future, and that 504 area code calls can be completed. We understand that USPS is attempting to coordinate mail delivery by establishing central repositories for mail directed to evacuated zip codes. There is no easy answer to this question.

3.3 Must I Move Out?

Q. 62 My landlord told me to move out because the dwelling is totally unusable after the disaster. Do I have to move out?

You must move out if the dwelling is totally destroyed and the landlord has terminated your lease on that ground. La. Civ. Code art. 2714. Unless your lease says otherwise, the landlord has the right to terminate the lease if the dwelling is totally destroyed as a result of a disaster such as a flood. *Id.* However, if you do not move after the landlord has demanded that you move, the landlord may evict you only by filing a lawsuit.

Q. 63 My landlord told me to move out the next day because he wants the dwelling for his daughter who lost her house in the flood. He told me if I didn't move out, he'd change the locks. Do I have to move out?

No. The landlord must honor the lease unless the dwelling is totally destroyed or the lease contains an express provision allowing the landlord to terminate in event of a fire, flood, or similar casualty. If the landlord wants you out in order to move someone else in, then the premises are obviously not “totally destroyed” and the landlord cannot terminate the lease.

If the landlord unlawfully locks you out, you should contact a legal services program for information or possible representation.

Q. 64 What should I do if I am served with an eviction lawsuit?

If an eviction lawsuit is served on you, you should carefully read the papers and find your deadline for filing an answer or appearing in court. You can defend yourself in court or you can call a legal services program for information or possible representation.

Q. 65 How can I recover my personal property from the leased premises?

FEMA and federal security officials are going to be in control of when and how evacuees are allowed to return to their homes.

Between now and when the agencies permit a return, the best advice we can give an evacuee is to try to contact the landlord and determine whether the landlord (i) knows anything about the condition of the property, and (ii) has been able to do anything to secure the property.

3.4 Can I Hold the Landlord or Previous Homeowner Responsible for Fraud or Negligence?

Q. 66 May I recover damages against my landlord for injuries or property damage I suffered as a result of the disaster?

When the injury or property damage results from a natural disaster and not from the landlord's negligence, the landlord is not liable for such injuries or property damage.

However, the law does not prevent suits against the landlord for injuries or property damage resulting from the landlord's negligence. The landlord can therefore be sued if the landlord's negligence caused or contributed to the tenant's injuries or damage from the disaster.

Q. 67 I have suffered personal injuries or loss or damage to my personal belongings from the disaster. May I recover damages against my landlord or the previous homeowner if they knew about the possibility of flooding and failed to inform me?

If the landlord or seller made an affirmative misrepresentation concerning the possibility of flooding, the tenant or buyer may be able to sue the landlord or seller for fraud to recover for property damages or personal injuries. If you knew, however, that the property could flood or did not rely on the affirmative misrepresentation, then you will not be able to recover damages.

If the landlord or seller said nothing about the possibility of flooding, then you will probably not be able to recover any damages. Generally, the mere failure to disclose a fact known by the seller or landlord is not fraud. However, failure to disclose the possibility of flooding may, under certain circumstances, support a lawsuit against a landlord or seller who knew of past flooding or knew of the possibility of flooding. Active concealment of known past flooding (for example, painting over flood water marks on walls) may also be the basis for tenant recovery. *See* 37 Am. Jur. 2d, Fraud and Deceit, 144-146.

Q. 68 Can I recover damages against my landlord or the previous homeowner if they didn't know about the possibility of flooding?

No. As a general rule, the tenant or buyer cannot recover from the landlord or previous owner a loss or damage from flooding if the landlord or previous owner knew nothing about past flooding or the possibility of flooding, and did not tell the tenant or buyer that the property was not subject to flooding.

3.5 Am I Covered by Insurance?

Q. 69 All my personal belongings were destroyed when the roof fell in on the place I rent. What help can I get from my insurance company?

If you had renter's insurance or homeowner's contents insurance at the time of the flood, contact your insurance company. If your situation is desperate, make sure you describe your situation to the insurance company. If the insurance company agrees that there is coverage, you can ask for advance payment to cover a part of your loss.

Q. 70 What should I do if I do not have insurance on my personal belongings?

If your losses are not covered by insurance, you may be able to get an Individual and Family Grant (IFG) from FEMA to replace necessary items of personal property. You

may apply for these benefits at the FEMA DAC sites. You may also wish to contact the Red Cross, which may be able to help you.

Q. 71 If my personal belongings are lost or damaged as a result of the flood or other disaster, may I recover from my landlord under the landlord's hazard insurance policy?

No. The landlord has no “insurable interest” in the tenant’s property, and therefore, the landlord’s hazard insurance cannot (and does not) insure the tenant’s personal property.

However, if the damage or loss of the tenant’s property is due in whole or in part to the landlord’s negligence, the tenant may be able to sue the landlord and the loss may be covered by the landlord’s liability insurance carrier.

Q. 72 Is flood damage to my home covered under my insurance policy?

Your homeowner’s insurance policy (sometimes called a “casualty insurance policy,” “hazard insurance policy,” or “fire and extended coverage policy”) normally does not cover flood damage. The policy may cover water damage inside the home from direct or blowing rainfall, but it normally does not cover damage from surface water or rising water. Windstorm insurance normally will be limited to greater-than-normal wind conditions, such as from a hurricane. You should read your policy, talk to your insurance agent, and consult an attorney if you have questions.

Q. 73 Does my automobile insurance cover the damage to my car resulting from the disaster?

Normally, disaster damage to an owner’s vehicle will be covered under the owner’s comprehensive auto coverage, although specific language in the policy and any express policy exclusions will control.

3.6 Can I Recover Against Neighbors or Others?

Q. 74 May I recover damages against my neighbor whose property damaged my property during the disaster?

The general rule is that a person is not liable for injuries or damages caused by a disaster or “Act of God” where there is no fault of negligence on the part of the owner whose property caused damage to others during the disaster. Therefore, your neighbor is liable only when he or she was negligent and such negligence was a cause of the damage. See 1 Am. Jur. 2d, Act of God, 11, 15; and 57 Am Jur. 2d, Negligence, 181.

Q. 75 What can I do with someone else’s property, which the disaster carried onto my land?

When personal property is carried away by flood, wind or explosion onto the land of another, such personal property still belongs to the original owner and the original owner may enter and retrieve it. If the landowner refuses to let the owner of the personal

property enter, or if the landowner appropriates the property for the landowner's own use, the owner of the personal property can sue the landowner for the value of the property.

Q. 76 May I sue the local, state or federal government for damages caused by the disaster?

Under some circumstances, the government may have liability if its employees were negligent and caused the damages. However, under the doctrine of "sovereign immunity," governmental authorities are generally immune from liability for the negligent acts of their agents and employees. The doctrine of sovereign immunity normally applies to "governmental functions" such as crime prevention, flood control, fire fighting, preservation of health, etc. Although Louisiana has waived its sovereign immunity for some specific situations, the State, all political subdivisions, officers, and employees are immune from suit when (1) acting within the course and scope of their office or employment and (2) while taking reasonable remedial action that is necessary to abate a public emergency, unless such damage was caused by willful or wanton misconduct or gross negligence. La. Rev. Stat. § 9:2793.1

3.7 What about my commercial lease?

Q. 77 Must I continue paying rent for my commercial lease space (office, retail, mini-storage, etc.) even though it has been rendered totally or partially unusable by the disaster?

In Louisiana, the same law that applies to residential leases also applies to commercial leases. Most commercial leases have specific provisions that address situations when the property is totally or partially destroyed, and these provisions dictate the rights of the tenant or landlord. See *Cerniglia v. Napoli*, 517 S.2d 1209 (La.App. 4 Cir. 1987). Refer to your lease.

4.0 MOVABLE AND IMMOVABLE PROPERTY

4.1 Introductory Note

The laws governing real property estates in Louisiana are set forth in the Civil Code. The laws governing perfection and foreclosure of security interests are set forth in the “Civil Code Ancillaries” portion of the Civil Statutes. The fundamental principles of real property conveyancing, leasing and lending are not different from the law in Texas. One important distinction is that the law rarely permits lenders to engage in self help. Foreclosures and tenant evictions must be judicial.

With regard to personal property, Louisiana has adopted Article 9 of the UCC and, as a result, the perfection and priority of security interests in personal property in Louisiana are not greatly different than the practice in Texas, although the enforcement of liens following default is substantially different.

If the concepts governing rights in property in Louisiana are not markedly different from what we are used to in Texas, the terminology can be. Some terms that are a little different from what we are used to:

- “Immovable Property” means real property and all permanent improvements attached to it.
- “Movable Property” means anything that isn’t “immovable property”
- “Mortgage” is the Louisiana equivalent of a Deed of Trust...grants lender a lien and security interest in immovable property.
- “Homestead” means a homeowner’s protected estate in the immovable property where the homeowner resides. Louisiana law grants limited tax relief on the Homestead estate and the initial \$25,000 of value of the Homestead estate is protected from seizure by creditors. The term “Homestead” also is used frequently to refer to a Savings & Loan Association that specializes in residential lending. Thus, one should not be confused if a client says something like “I don’t know how to get in touch with my Homestead.”

In the Q&A discussion below, we have tried to anticipate the practical questions that Louisiana homeowners, tenants and business owners will ask. At this unfortunate stage of this disaster, the answers rarely revolve around legal concepts. Instead, the practical limits on communication, information and access to property dictate that answers at this point.

Note regarding the scope of this outline: We do not address in this outline the mechanics of making insurance claims or the legal issues relating to insurance claims. As we understand it both of these topics are addressed in the Insurance outline.

4.2 Must I Make My Home Mortgage Payments?

Q. 78 My house was damaged and I can't live in it. Do I have to make my mortgage payments? What if I can't pay my mortgage because of job or salary interruptions following the disaster?

Most home loan documents require the homeowner to make mortgage payments even after a disaster—even if your house is damaged and you can't live in it. However, many lenders will allow the owner to delay mortgage payments for several months after a disaster (although interest may continue to be added). Many lenders will make loan modifications to allow the missed payments to be added to the loan, thereby lengthening the term of the mortgage. You need to communicate with your lender and tell the lender about the disaster and your temporary inability to pay. The lenders will nearly always work with you. If your mortgage is FmHA financed or FHA-insured and you fall behind in your payments because of circumstances beyond your control, you have special rights. See answer to next question.

The somewhat longer answer is that many lenders in Louisiana (i) currently aren't capable of receiving or processing payments, or (ii) have issued public notices that they will allow forbearance on note payments for a limited period of time. Hibernia Bank, for instance, has announced a ninety day moratorium on loan payments for customers in certain zip codes. There are literally hundreds of mortgage lenders in Louisiana, their policies on loan payments differ and are developing in a dynamic way in response to events, and their operations have been impacted differently by the storm. So there is no easy way to counsel a client about this issue. The best we can do is to recommend that the client go to the lender's web site in an effort to try to identify whether forbearance programs are in place.

Q. 79 Do I have to pay my mortgage note while I am not living at the property?

The short answer is yes. It is not typical in Louisiana for a note secured by the borrower's real estate to include any sort of forbearance provision that would be triggered by storm related damage or destruction of the property.

Q. 80 What should I do if I receive a notice that my lender is going to foreclose on my home for non-payment of the mortgage?

If you have received a written foreclosure notice as a result of a disaster-related financial hardship, you may be eligible for Federal Emergency Management Agency (FEMA) assistance to help you with your mortgage payments. You may file an application for FEMA benefits at a Disaster Assistance Center (DAC) site.

If your mortgage is FHA-insured or FmHA financed, you may be entitled to reduced or suspended payments. Your lender must notify you of this right and give you an opportunity to seek help before the lender begins foreclosure proceedings. But, you must meet the deadlines the lender will give you.

If you have income and you want to keep your house, you may be able to file a Chapter 13 bankruptcy. In this type of bankruptcy, the homeowner pays regular mortgage payments that accrue after the bankruptcy and all other living expenses and also pays an amount every month toward the mortgage installments, which were delinquent prior to the bankruptcy. If you think you may want to file a Chapter 13 bankruptcy, you should consult an attorney.

Q. 81 Can my mortgage holder foreclose on my home if I can't make the payments?

Again, the short answer is yes. The typical residential property mortgage in Louisiana doesn't include forbearance due to storm damage and allows the lender to foreclose following default.

Note: Louisiana does not permit the form of non-judicial foreclosure that is the norm in Texas. All foreclosures in Louisiana are judicial.

Given the necessity of judicial foreclosure, a somewhat longer answer is that it will be an extended period of time before the courts in the impacted Parishes are stabilized to the point of being able to accept and process new case filings, assign cases to particular courts, and hold court. One assumes that it will also be an extended period of time before lenders can refer defaulted mortgage loans to counsel for collection action or foreclosure. So, the practical response to this question perhaps should be: "Don't worry about it until you have contacted your lender, and don't send a payment until you have verified the lender's address to receive payments."

Q. 82 How do I contact my mortgage company?

Web sites are the easiest option. We are aware, however, that many clients will not have Internet access. FEMA and the Louisiana Dept. of Homeland Security are serving as clearinghouses for disaster relief information, and are accessible through 800 numbers and personal representatives at shelters. Clients may be able to find lender contact information through those agencies.

4.3 Movable (Personal) Property Issues

Q. 83 Who is responsible to replace my personal property that was located on someone else's property (at leased property, rented out to a customer, etc.)

Absent a lease provision to the contrary, which would be very atypical, the landlord would not be liable to the tenant (or the tenant's customers in a commercial context) for storm damage to the tenant's (or customers') personal property.

Which means, as a bald legal concept, the owner of the personal property bears the loss. Insurance contracts frequently will produce a different result. The liability insurance carried by a car dealership, for instance, might well cover storm damage to third party vehicles that were in the shop waiting for repair when the storm hit. In some situations,

multiple insurance coverages might be available (in the example just given, the car dealership and the car owner may both have liability insurance that would apply). The resolution of the question of whose insurance would pay when neither party is at fault is not within the scope of this outline.

Q. 84 Who is responsible for the value of my personal property that was stolen (looted)?

Generally, theft would be covered under most insurance policies. For homeowners, the specific property that might be covered, and the exclusions, would all be set forth in the homeowners' policy. For tenants (for instance a tenant that operates a shop that was looted) the landlord's insurance is not likely to respond, and as noted above, the landlord is not going to be legally responsible absent either a lease provision that places the loss on the landlord or some widely recognized common law theory (landlord's failure to provide adequate security?) It seems highly unlikely that the common law theories would fit the circumstances of this disaster.

Q. 85 Is there any program available for me to recover the value of my lost personal property?

Refer client to FEMA. Absent insurance, FEMA rules are going to apply, and are beyond the scope of this outline.

4.4 Miscellaneous Property Questions

Q. 86 Can my property be condemned?

Short answer, yes. Agencies with appropriate jurisdiction (HUD and local public housing agency in New Orleans in the context of public housing), (FEMA and other local federal agencies in the context of private property) will make decision whether a given structure is habitable.

Q. 87 If the property is condemned, will I be paid for it?

This form of condemnation (determining that a structure is no longer habitable) is not a "taking" for public use. The government would not be liable to the property owner for its value. Insurance or FEMA or similar relief will be the sole source of recovery.

Q. 88 How will I know if my property is safe to move back to?

Government agencies and FEMA will make this decision. How they will make it, and when, are issues beyond the scope of this outline.

5.0 EMPLOYER/EMPLOYEE ISSUES

5.1 Louisiana Workers' Compensation Benefits

Injured workers receiving workers' compensation benefits can call the Louisiana Department of Labor to report their location to continue receiving their benefit checks. A database has been established to connect the benefit recipients with their insurance company, attorneys, self-insured employers and third party administrators. All parties involved in this process should contact the Louisiana Department of Labor, with their names and location. Claimants who have been relocated by Hurricane Katrina should call (225) 342-7561, (225) 342-7555, or toll free at (800) 201-2494 or (800) 201-3457.

5.2 Unemployment Compensation

If a person became unemployed because his or her employer's business was destroyed or closed because of the hurricane or because the person lost his or her job because their house or car was destroyed or because the person was no longer able to get work due to the hurricane, they may be entitled to receive unemployment compensation benefits. Louisiana Unemployment Compensation Benefits may be applied for online at www.ldol.state.la.us. As referenced above in the FEMA section, if a victim is not eligible for La. Unemployment compensation, he or she may be entitled to disaster unemployment assistance under FEMA. In any event, unemployed disaster victims should apply for unemployment benefits under both the state and FEMA provisions as soon as possible since there is a waiting period for receipt of benefits. Hurricane Victims seeking information on unemployment benefits and disaster unemployment benefits may also call 1-888-LAHELPU or 1-888-524-3578 or 1-866-783-5567 from 7 a.m. to 7 p.m. Online guidance is available at www.laworks.net.

5.3 Obligation to pay salaries, termination of employee

Q. 89 What is an employer's obligation in regards to termination of employees?

The employment question depends on the size of the firm and the total number of employees. If they have at least 100 employees then they are governed by the WARN Act that applies to plant closings and the shutdown of businesses. However, even the WARN Act has "act of God" exceptions that relieve companies from the duty to give 60 days notice of intent to shut down a business unit where at least 100 employees work. So...if the firm has less than 100 employees, the WARN Act does not apply and the firm is free to terminate its employees. If the firm has 100 employees or more, the WARN Act "act of God" provisions would apply here to relieve the firm of any ongoing duties to its employees.

Q. 90 What is an employer's obligation with respect to group insurance?

The shutdown of an employer's enterprise would also trigger the elimination of group insurance coverage for covered employees and dependents. This would obligate the firm

to send notices to the ex-employees advising them of their conversion rights (the right to convert the group coverage to an individual coverage) pursuant to a federal statute known as "COBRA." In the usual case, COBRA permits the ex-employee to continue the same coverage in an individual policy for up to 18 months (the idea being that the employee should be able to reposition in the workplace within 18 months where group coverage will be available). The kicker to the ex-employee is that he/she is responsible for 102% of the premium that the employer was paying per employee. Some folks who have lost jobs simply may not be able to convert to COBRA coverage because of the expense.

Q. 91 What can employer's do with regards to the payment of employees' salaries?

An option to firms would be to place employees on administrative leave status while the office regroup. This would relieve the firm of the obligation to pay salaries. So long as the firm continued to pay the premium for group medical coverages, the employees would still have those coverages.

Q. 92 Does Louisiana have any legal restrictions against firing, suspending or disciplining employees?

Louisiana is known as an employment-at-will state. Generally, this means that an employer may legally hire, fire, suspend or discipline any employee at any time and for any reason - good or bad - or for no reason at all. However, an employer may not discriminate against any employee on the basis of the employee's race, sex, age, religion, color, national origin, or disability. Louisiana law also prohibits discrimination on the basis of pregnancy or childbirth, sickle cell trait, handicap, and smoking.

Q. 93 Does Louisiana have a whistle blower's law?

Yes. Under the Louisiana "whistle blower's law," an employer may not take any reprisal against an employee who advises the employer that the business is in violation of a law and the employee either discloses, threatens to disclose, or testifies about the violation of law, or the employee objects to or refuses to participate in an employment act in violation of law. This law may be found at Louisiana Revised Statutes [23:967](#) and [30:2027](#).

Q. 94 Are there exceptions to Louisiana's employment-at-will doctrine?

Yes. Louisiana employees may not be disciplined or discharged at-will for: being called to military service, political opinions or voting, exercising right of association, age garnishment, filing workers' compensation claim, being called to jury duty.

Q. 95 When should final paychecks be issued?

Louisiana employees who are laid off, fired, or who quit must be paid their wages in full at the next regular payday, not to exceed 15 days from the date of their discharge or termination. Wages include vacation time earned by the employee. An employee should send a written demand for payment of their final wages to their employer. After receipt of

a written demand, the employer must pay all wages owed to the employee on a timely basis or be subject to a penalty that may be imposed by a court. Claims against an employer for late payment may be filed by way of a private lawsuit. The Louisiana Department of Labor does not have the authority to enforce this law. You may review this law at [R.S. 23:631 -632](#).

Q. 96 How should last wages be paid to a deceased employee?

Under certain circumstances, Louisiana law ([R.S. 9:1515](#)) allows employers to pay to the surviving spouse or children of a deceased employee the last wages and other benefits due the deceased employee without a court order.

Q. 97 What is unemployment insurance?

A. Unemployment insurance (UI) is a program designed to provide temporary financial assistance to workers who are unemployed through no fault of their own and who meet the requirements of the Louisiana Employment Security Law. UI benefits are paid as a matter of past employment and legal entitlement, and not on the basis of need.

Q. 98 How do I qualify for unemployment insurance benefits?

The law sets qualifying requirements in three main areas: your past wages, your job separation, and ongoing availability and work search requirements. You must meet all of the following qualifying requirements in order to receive benefits.

Past Wages: You must have earned enough wages in your base period. The base period is the first four of the last five completed calendar quarters before you filed your claim.

Reason for separation from your last work: You must be unemployed or partially unemployed through no fault of your own in order to receive benefits.

Ongoing availability and work search: You must be physically able and available to work. You must also be actively seeking work. If you are temporarily laid off and have a definite return-to-work date, your work search requirements may be waived.

Q. 99 How do I file for unemployment insurance?

To file a claim for unemployment insurance, you may report in person to the nearest Job Center or you may file online. Before filing a claim, you will need the following information.

- Your social security number.
- Names, addresses, job-site locations and telephone numbers of any employers for whom you worked during the last 18 months.
- Name and local number of union hall (if applicable).

- Alien registration number (if applicable).
- The member-4 copy of your DD214 (if you served in the military during the last 18 months).
- Your SF-8 and SF-50 (if you worked for a federal employer during the last 18 months). However, do not delay filing if you cannot locate your federal documents.

You can also go to website at www.ldol.state.la.us or call 1-866-783-5567. There is also a benefits handbook for review. [See Exhibit E]

Q. 100 How should I file if I worked in another state or more than one state?

No matter in which state you may have worked, or in which state you may now live, you can file your UI claim in the Job Center closest to your current place of residence. Personnel in that office will assist you in determining against which state you should file. There is a Job Center or a State Employment Office in nearly every large town in the United States.

Q. 101 What are the minimum and maximum amounts of UI benefits?

A. The minimum weekly benefit amount of UI in Louisiana is \$10.00. The maximum is currently \$258. Your weekly benefit amount could be anywhere in this range, depending upon the total amount of wages paid to you during your base period. The total amount of unemployment insurance benefits payable to you would be equal to the lesser of 26 times your weekly benefit amount or 27% of your total base period wages.

Q. 102 Are UI benefits taxable?

A. Any UI benefits you receive are taxable income. You will be issued Form 1099G at the end of January showing the amount of benefits paid to you, as well as any federal income tax withheld at the time the benefits were paid. The amount on the 1099G is not reduced by any repayments you may have made for overpaid benefits. Therefore, if you repaid any benefits, you must maintain your record of payment, such as reimbursement receipts or canceled check notices to make adjustments to your taxable income and as documentation for the federal Internal Revenue Service and State Tax Office when you file your tax returns.

Q. 103 What is Disaster Unemployment Assistance, or DUA?

A. If the President of the United States declares a disaster in your area, payment of Disaster Unemployment Assistance may be authorized. Persons who become unemployed as a result of the disaster, and who do not qualify for regular UI benefits, may file for DUA. Should a disaster be declared in your area, your local news media will provide information on how to obtain this assistance.

Q. 104 Can I recover disaster unemployment benefits or assistance?

Yes. Disaster Unemployment Assistance provides financial assistance to individuals whose employment or self-employment has been lost or interrupted as a direct result of a major disaster declared by the President of the United States. Before an individual can be determined eligible for Disaster Unemployment Assistance, it must be established that the individual is not eligible for regular unemployment insurance benefits (under any state or federal law). The program is administered by states as agents of the federal government.

Q. 105 Who qualifies for Disaster Unemployment Assistance?

Disaster Unemployment Assistance is available to unemployed U.S. nationals and qualified aliens who worked or were self-employed if they:

- worked or were self-employed in or were scheduled to begin work or self-employment in an area declared as a federal disaster area.
- can no longer work or perform services because of physical damage or destruction to the place of employment as a direct result of a disaster.
- establish that the work or self-employment they can no longer perform was their primary source of income.
- do not qualify for regular unemployment insurance benefits from any state.
- can not perform work or self-employment because of an injury or because they were incapacitated as a direct result of the disaster.
- became the breadwinner or major support of a household because of the death of the head of the household.
- can not work or perform self-employment due to closure of a facility by the federal government.
- lose a majority of income or revenue because the employer or self-employed business was damaged, destroyed, or closed by the federal government.

Q. 106 What benefits are available?

Disaster Unemployment Assistance is available to individuals for weeks of unemployment beginning after the date the major disaster began and for up to 26 weeks after the major disaster was declared by the President, as long as their unemployment continues to be a result of the major disaster. The maximum weekly benefit amount is determined under the provisions of the state law for unemployment insurance in the state where the disaster occurred (see above).

Q. 107 How do I file a claim?

Claims should be filed in accordance with the state's instructions published in announcements about the availability of Disaster Unemployment Assistance, or contact the State Unemployment Insurance agency. You may also call 1-866-783-5567.

6.0 SOCIAL SECURITY, BANKING, AND FINANCIAL ISSUES

6.1 Social Security Benefits

The Social Security Administration is attempting to ensure that all Social Security Benefit Checks are received by all beneficiaries affected by Hurricane Katrina, and information on how to help a victim receive his or her social security benefits payment is attached as Exhibit F. Hurricane victims seeking information on social security benefits or social security disability benefits may also call 1 (888)LAHELPU or 1(888)524-3578 from 7 a.m. to 7 p.m.

Additionally, if the applicant is blind, over the age of 65, or disabled and cannot perform any kind of work, they should apply for benefits at the nearest Social Security office. You can also start an application by calling the Social Security Administration's toll free telephone number 1-800-772-1213. Once Social Security has all the necessary documentation, such as proof of earnings and medical evidence of disability, it will send a written decision. If the applicant is denied and you think they are eligible, you should file a request for reconsideration within 60 days of the date of the initial decision. If they are denied again, you should request a hearing and contact Legal Services.

The applicant may also be eligible for other kinds of Social Security or SSI benefits, on his/her account, or on the account of another if they want to retire, or they are an aged or disabled widow or widower, or are the dependent family member of a disabled, retired or deceased worker. If you think your client is eligible for any of these benefits, you should contact the Social Security Administration and apply.

6.2 Tax Relief

People affected by Hurricane Katrina who need help with tax matters can call 866-562-5227 Monday through Friday from 7 a.m. to 10 p.m. local time. Additional information for affected taxpayers is provided at www.irs.gov.

6.3 Banking/FDIC Issues

Source: <http://www.fdic.gov/news/katrina/katrinafaq.html>

Q. 108 The local banks are not cashing my checks or letting me withdraw money from teller stations, what can I do?

If you do not have an account relationship with the bank, it may be concerned about whether there are sufficient funds in your account. Ask the bank to call your bank to determine your account balance. You can also establish an account with a bank in your new area by asking your bank to wire funds from your account to the financial institution in your new area.

Q. 109 My direct deposit is not showing up in my account, and I need money. Is there somebody who can help me clear this up with the bank?

Sometimes there are delays in the processing of transactions, including direct deposits, as banks activate back up plans. The banks will process the transactions once the plans are implemented. The delays should be rectified soon.

Please talk to your bank about the problem. You can also contact the individual or company that originated the deposit to see if they have any information about the status of your deposit.

Q. 110 If my ATM card does not work, what should I do?

If your ATM card will not work, it is probably because your bank's verification system is not working. You may consider other options, such as cashing a check in the area where you are located or using a credit card. You may also contact one of the emergency service organizations, such as [FEMA](#) or the [Red Cross](#), and request assistance.

Q. 111 ATM fees are piling up, why aren't the banks waiving these fees?

Please contact your banks and explain your situation. The regulators are strongly encouraging banks to waive these fees for those hardest hit by the disaster.

Q. 112 I can't reach my bank by phone or internet, what should I do?

If your bank is located in the heavily storm damaged area and is not a part of a major regional or national institution, it may not be open for some time. You should contact one of the emergency service organizations, such as [FEMA](#) or the [Red Cross](#), and request assistance.

Q. 113 I am no longer working due to the storm and don't have the income to live on and meet my payments. If I miss some loan payments, how will this affect my credit? Will I be charged late fees?

Regulators are telling banks to be understanding during this time of crisis. We have asked banks to work with customers hit hardest by the hurricane. Among what we are encouraging banks to do is to allow some loan payments to be skipped with out it counting against credit histories, extend the terms of loans, and to restructure loans to take into account new sets of circumstances. Before skipping payments or changing the terms of the loan, contact your bank. FDIC is encouraging banks to be flexible in this time of crisis, including fees.

Q. 114 I need longer term financing until insurance checks come in and I can find another job, will banks help?

We understand that not all banks provide short-term, unsecured loans, but regulators have encouraged banks to consider making loans on a short-term basis to help consumers. We have promised banks waivers of certain rules governing this area.

Q. 115 Where can I find a list of banks that are working with displaced people?

The FDIC is attempting to keep such a list of banks. Here is the link to the most up-to-date list we have available: <http://www.fdic.gov/news/katrina/katrinastatus.pdf>. [See Exhibit G]

Q. 116 What about the contents of my safe deposit box? Does FDIC insurance cover safe deposit boxes?

Deposit insurance does not cover safe deposit contents. Most safe deposit boxes are held in the bank's vault, which are fireproof and waterproof. If possible, contact the branch or office where your box was located to determine the condition of your box.

Q. 117 How will I get my Social Security check?

You may want to open a new account in the area you are now in and contact Social Security Administration with the routing information of your new account. The staff at the bank where you opened the new account should be able to help you do this.

FDIC officials have been in contact with Social Security Administration ("SSA") officials. They report that they are having some operational disruptions like everyone else in the area, thus they are utilizing handwritten checks. The FDIC is encouraging banks to assist those impacted by Hurricane Katrina by honoring – after reasonable verifications – handwritten, typewritten, and laser Social Security checks issued by Louisiana, Mississippi, and Alabama Social Security Offices. SSA officials did indicate that at issuance, several pieces of confidential personal information are verified with the SSA recipient.

SSA officials also indicated that they were not aware of any fraud problems relating to third-party drafts in previous weather-related disasters.

Q. 118 I am worried about ID Theft since my home was severely damaged during the storm or I am not sure where my belongings are at the moment.

If you feel ID Theft is a real concern, you may place a "fraud alert" on your credit file, which can help prevent a thief from opening new accounts or making changes to your existing accounts. *Be aware that putting an alert on your account may prevent you from opening an account unless they are able to get in touch with you and positively confirm your identity and that you are applying for credit.*

However, if you have reason to believe you may be a victim of ID theft, contact the fraud departments of any one of the three major credit bureaus ([Equifax](#) at 1-800-525-6285, [Experian](#) at 1-888-397-3742, or [TransUnion](#) at 1-800-888-4213) to place a "fraud alert" on your credit file.

As always, protect your Social Security number, bank account and credit card numbers and other personal information, especially in response to unsolicited requests from strangers. Remember that fraud artists may try to take advantage of the crisis by tricking

victims (or their loved ones) into divulging personal information or by stealing sensitive mail or documents from homes and offices.

Q. 119 What happens if my bank has lost my records?

Be assured that banks are required to have extensive contingency plans for all types of disruptions to operations, including natural disasters. Banks have backup systems of records and other built-in duplications that are housed in safe locations so that financial records can be reconstructed and restored.

Q. 120 If my local bank was destroyed, is my money still insured?

Yes, your money is still insured by the Federal Deposit Insurance Corporation. Deposits with a FDIC insured bank or savings institution will continue to be protected up to \$100,000. However, you should keep any financial records that you have in order to help reconstruct your accounts.

Q. 121 How can consumers deposit or cash any insurance checks they may receive?

By the time emergency relief and insurance payments are received the affected institutions should be prepared to process these payments for their customers. Should a customer's primary financial institution not be ready to receive these payments it is anticipated arrangements will be made with neighboring institutions to handle these special consumer needs.

Q. 122 Will there be enough cash?

A. Be assured the Federal Reserve System has and will continue to meet the currency needs of the financial institution industry. The banking industry nationwide has more than sufficient resources to fill any shortfall.

Q. 123 Is my bank safe? Do you believe the affected banks will survive?

A. We are not aware of any bank that has closed due to the impact of a natural disaster. Consumers can also rely upon the guarantees provided by the FDIC, which oversees the insurance funds that back deposits in banks and thrifts, and the National Credit Union Share Insurance Fund, which protects credit union depositors. These depositors can rest assured that deposit insurance is in full force.

Q. 124 Who can I contact for more information?

A. The FDIC has a consumer hotline set up for this crisis. Please call 1-877-ASK-FDIC (275-3342). The hotline is operating 24 hours a day, 7 days a week.

7.0 CONSUMER PROTECTION ISSUES

7.1 Overview

Disasters are breeding grounds for unscrupulous consumer practices. Disaster victims, particularly senior citizens, the disabled and limited English or non-English speaking persons are vulnerable to scams. Even financially sound families may fall behind on credit payments resulting in collection actions. Consumer information is essential to help prevent victimization.

IMPORTANT NOTE: The information contained in this section is designed to help a volunteer attorney provide preliminary guidance to victims of consumer fraud or those with debtor/creditor problems in Texas. In most instances, the matters should be referred to the State Attorney General's Consumer Protection Division (see numbers below). We have not endeavored in this document to address Louisiana consumer protection law but may do so in the future.

7.2 Caveat Emptor -- Let the Buyer Beware

After any disaster, three factors impact consumers: 1) A desperation to repair any damage and to heal family shock over losses; 2) Excessive demand on firms which provide repair services; and 3) Limitations on the supply of available services because of damage to service providers. In any situation, excess demand and limited supply causes prices for goods and services to increase. A major disaster exacerbates this factor. Consumers should take time to prioritize their needs and develop alternative plans to solve their problems.

Before contracting for any services, the consumer should:

- **Verify licensing**, if applicable, with appropriate regulatory agencies;
- **Verify company legitimacy** with local Better Business Bureaus;
- **Obtain comparison bids** with lists of services provided and material costs;
- Obtain all **estimates in writing**;
- Speak with other customers to **verify satisfaction**;
- **Read all contracts** or service agreements **before signing**; and
- File complaints with appropriate regulatory agencies if confronted with potential fraud or abuse.

The telephone number for the Texas Office of the Attorney General Consumer Division is 1-800-337-3928. The telephone number for the Louisiana Office of the Attorney General Consumer Division is 1-800- 351-4889. The telephone number for

the Mississippi Office of the Attorney General Consumer Division is 1-800-281-4418.

Urge consumers to contact their District Attorney's Consumer Fraud Division if someone calls with what the consumer feels is a scam - an early alert can prevent others from fraud. Urge them to contact the local newspaper's consumer desk to notify them of scams.

7.3 Price Gouging

Section 17.46(b)(25) of the Texas Business and Commerce Code and 29:732 of the Louisiana Revised Statutes makes it a deceptive trade practice to take advantage of a disaster by selling or leasing fuel, food, medicine, or another necessity at an exorbitant or excessive price, or even demanding an exorbitant or excessive prices for these items. Both Louisiana and Mississippi also criminalize price gouging. Urge consumers to contact the Texas Attorney General at 1-800-621-0508; Mississippi Attorney General at 601-359-3680 or 1-800-281-4418; Louisiana Attorney General at 1-800-351-4889.

This statute can be enforced privately, by the Attorney General, or by local District Attorneys.

7.4 Home Equity Fraud

Home equity is the market value of the home minus the mortgage and other liens on the home. For example, if a home's market value is \$100,000 and the mortgage and all liens are \$80,000, the equity is \$20,000 (\$100,000 - \$80,000 = \$20,000).

Home equity fraud is the taking of a homeowner's equity by fraudulent means. Victims of home equity fraud are most often elderly persons, particularly widows over age 70, minorities with limited English skills or homeowners with fixed incomes below \$24,000.

A. Home Repair/Lien Contract Scams

After a disaster, a homeowner frequently needs major repairs for serious damage. This may include roofing and siding, plumbing, electrical wiring, heating and cooling, replacement of damaged structures, interior living quarters, etc. The cost of these repairs is most likely greater than the insurance coverage and the ability of the homeowner to cover the cost. Frequently, a low-income homeowner has deferred maintenance which may make the damage ineligible for FEMA funding.

The homeowner may feel trapped between the high cost of the repairs and the limited funding for repairs. Unscrupulous contractors or salespeople will take advantage of the fears of the homeowner and agree to make the repairs at unrealistic prices or financing schemes.

The salesperson or contractor then induces the homeowner to sign a lien-contract secured by the home. The loan repayment amounts are higher than what the consumer can afford to pay on a fixed income. Alternatively, the contractor provides inadequate repairs or services and the consumer refuses to pay the note to the finance company. The lien-contract, however, functions like a promissory note. If the homeowner misses only one payment the creditor may foreclose and sell the home without ever going to court. The

common result is that the homeowner not only fails to have necessary repair work done, but loses his/her home through foreclosure.

B. Refinancing Schemes

Because of the increased costs of confronting an emergency, consumers frequently fall behind in their credit payments or overextend themselves to the point that they must choose whether to pay creditors or obtain basic necessities such as food. Such consumers are often approached by finance companies promising to consolidate the homeowner's debt for existing mortgage, credit card debt, car loans and repair loans. They then pressure the homeowner to sign multiple agreements without sufficient time to review them or consult with anyone.

The negative outcomes of such refinancing schemes include high processing fees, payments to bogus/phantom creditors and default on the loan. The homeowner often cannot pay both the refinancing costs and basic living expenses, resulting in a situation far worse than before the refinancing.

Lower income and minority borrowers, as well as elderly homeowners, are usually targeted by predatory lenders. They encourage borrowers to lie about their income in order to get a loan; knowingly lend the borrower more money than he/she can repay; charge unnecessary fees; pressure borrowers into high-risk loans and use high pressure tactics to sell home improvements and then finance them at higher interest rates. These predators pounce on desperate situations to empty their pockets. A few tips for consumers include:

- Beware of lenders who claim that they are the only hope for a loan or ask borrowers to sign a contract/loan agreement with missing information.
- Beware when lenders say refinancing your home can solve credit or money problems.
- Always interview several contractors and lenders. Check with friends or family for recommendations.
- Research lenders, contractors, appraisers, etc. with the Attorney General's Office or the Better Business Bureau. Check out their complaint history.
- Never make false statements on a loan application. Any lender who allows this is fraudulent.
- Do not let anyone convince them to borrow more money than they know they can afford.
- Attend homeownership education courses. They are available through the U. S. Department of Housing and Urban Development (HUD) or counseling agencies.

C. Foreclosure Consultants/Equity Purchasers

Some financial predators prey on persons during the foreclosure process. They claim to be foreclosure experts who offer to assist homeowners after they receive a notice of default. In Texas, once the finance company files a formal lien with the County Clerk,

the homeowner is deluged by these foreclosure consultants. These financial thieves further encumber the property with liens for fees and extravagant charges. They try to obtain title through a power of attorney or by direct transfer. They take advantage of the homeowner's distress and offer to purchase the home for below market value through misrepresentations on the value of the home and on encumbrances. They represent to the homeowners that they may stay in the property for the rest of their lives. In fact, after they obtain the property, they sell it and the new owner serves the tenants with eviction papers. Clients should be warned of such scams. Consumers should also be advised of the tips outlined in number 2 above as ways to guard against fraudulent lenders.

D. Caretaker/Befriender/Relative Scams

Isolated homeowners who need assistance to maintain their homes frequently are victimized by friends, relatives or caretakers. They assist the homeowner with household chores, including shopping or taking them on medical visits. Children of elderly parents sometimes seek control of their parents property for their own uses. All of these persons use scare tactics to convince the elderly, disabled or limited English or non-English speaking person to transfer title of the property to them. Sometimes they obtain a power of attorney when a person is very sick. Unbeknownst to the homeowner, the power of attorney holder may convey or encumber the property and keep the proceeds for him/herself.

7.5 Debtor/Creditor

Often disasters can trigger financial crises as victims fall behind in their bills. Missed payments or collection actions can damage their credit ratings. Victims should notify creditors of the situation as soon as possible. Some creditors will agree to postpone payments for a period of time.

A. Debt Collection

Communicating and Negotiating with Creditors. If the debtor can afford to make small monthly payments, s/he should contact the collector to ask if the payments are acceptable and reach an agreement on all of the following:

- 1) Total amount owed on the bill, including the interest to be added each year;
- 2) Amount of monthly payments;
- 3) Due dates that payments must reach the collector;
- 4) Address where payments must be mailed; and
- 5) Whether the collector will remove negative information about the bill from the debtor's credit report.

Documenting Communication between Debtor and Creditors. It is important for debtors to keep a record of phone calls from the collector regarding the past due bill, including the full names of the individuals s/he speaks with and date, time and details about the conversations. If the debtor arranges a payment agreement, s/he should send a brief letter confirming the terms of the payment plan. The debtor should always keep copies of any letters and payments sent to the collector. Letters to the collector should be sent certified mail. Consumer Credit Counseling Services may negotiate with collectors on behalf of debtors for little or no fee. See the business listings of the White Pages of the phone book.

Notifying the Collector of Debtor's Inability to Pay. Some debtors who have no employment income or prospects for such income might be considered "judgment proof." Such people own no real estate, no personal property of significant value, no more than one car, and would probably not have bank accounts or other investments. Such debtors who are unable to arrange a workable payment plan should consider sending the collector a letter informing them of the inability to pay and requesting that the collector stop contacting the debtor about the debt. The debtor should include in the letter any special circumstances which help explain the inability to pay.

Sending such a letter limits the collector's right to contact the debtor.

Filing Bankruptcy. Bankruptcy may become a last resort option for disaster victims who cannot satisfy their creditors. Filing bankruptcy will not necessarily cancel all debts. It is recommended that individuals wishing to pursue bankruptcy proceedings be referred to a State Bar-certified lawyer referral service where an experienced bankruptcy attorney can be identified. For information about lawyer referral call the Texas State Bar number at 1-800-252-9690 or the temporary Louisiana State Bar number at 337-272-0356 or the LSBA hotline at 1-800-310-7029.

What Happens when Debtors Fail To Pay? Debtors are not criminally liable for owing debts; however, a collector may file a civil lawsuit against them to collect the debt, and a court judgment will give the collector the right to collect any non-exempt assets. Also, the collector has the right to report the unpaid debt to a credit reporting agency.

Auto loan contracts usually permit the collector to repossess a car without advance notice after a borrower's failure to make payments. The debtor will have to pay the full balance of the loan plus all costs of repossession in order to regain possession. If the debtor cannot pay, the collector may sell the car and sue the debtor for the amount the debtor owes over the sale price.

If a past due bill is for services a debtor continues to receive (e.g., utilities), the collector may discontinue service or withhold reconnection, even if the debtor moves to another residence. The collector may also sue to try to collect the unpaid balance.

How To Decide Which Bills to Pay First? Before deciding which bills to pay and which to ignore, clients need to know the consequences. The four types of debts listed below could have immediate, harmful consequences if unpaid.

- **Court-ordered payments**, such as alimony or child support, must be paid on time or jail time could be sought for contempt of court. If clients are unable to pay, do not simply ignore it. Ask the court to modify the payment order. A court will usually lower or eliminate your payments to meet your new financial condition. (Additionally, if you are on SSD, your children should be eligible for "dependents' benefits" which may entirely pay your support obligations. Check with your local Social Security office.)
- **Ongoing services**, such as utilities, telephone service, or health insurance coverage, must be paid or they will lose future service or coverage.
- **Items purchased on credit or pledged as security on a loan** can usually be taken from if payments cannot be made. Under Louisiana law, a lender cannot unilaterally seize property: it must obtain a court judgment and an order instructing the sheriff to seize the property. However, a lender is unlikely to seek the return of any property unless they missed several payments and are uncooperative. If extra time is needed, contact the lender in advance.

But be aware: even after a creditor has taken one of the above steps, it may still have the right to recover money. For example, although a bank has repossessed a car, if its resale value is less than what is owed, there may be liability for the difference.

Property That is Protected. Under federal and Louisiana law there are certain things that cannot be taken, regardless of how much is owed and regardless of whether or not there is a bankruptcy. The most important of these are:

- Social Security payments, annuity income (this should cover private disability insurance payments), pension income, worker's compensation and unemployment compensation (There are some exceptions for child support, alimony, and taxes);
- Up to \$25,000 equity in a home (*See* La. R.S. 20:1);
- The proceeds and avails from a life insurance policy;
- Necessary household appliances and furnishings;
- Necessary personal items and clothing;
- Necessary medical equipment; and

If working, any tools needed for the job, and an automobile if it is necessary for the job (merely going back and forth to work does not qualify). If all property and income is exempt, then they should notify creditors. Once they know there is nothing to take, they will usually write off the debt or at least stop collection activity.

B. Credit Reporting

Legal Authority. This area is governed by the Federal Fair Credit Reporting Act, 15 U.S.C.A. Section 1681, which requires that credit reporting agencies furnish a free copy of a consumer's credit report upon request within 30 days after the consumer is notified of an adverse action. Credit reporting agencies also have a statutory obligation to investigate consumers' claims. Texas law is found at Section 20.01 Texas Business & Commerce Code and Louisiana law is found at Section 9:3571.1 of the Louisiana Revised Statutes (for duty to disclose credit report) and Section 9:3568 (for identity theft).

7.6 Consumer Protection Laws

A. Texas Deceptive Trade Practices Act--Section 17.41, et seq., Texas Business and Commerce Code; Louisiana Unfair Trade Practices and Consumer Protection Act – Title 51, Chapter 13 of the Louisiana Revised Code

This law protects consumers against false, misleading, or deceptive trade practices, including unconscionability and breach of warranty.

In Texas, the Act provides that a consumer who is damaged by such unlawful practices may recover economic damages, injunctive relief, other equitable orders, and attorney fees. If the illegal acts are committed knowingly or intentionally, the aggrieved consumer may obtain mental anguish and additional damages not to exceed three times economic and mental anguish damages. In Louisiana, the Act provides that any person who suffers any ascertainable loss of money or movable property as a result of the use or employment by another person of an unfair or deceptive method, act or practice declared unlawful may bring an action individually to recover actual damages. If the court finds the unfair or deceptive method, act or practice was knowingly used, after being put on notice by the director or attorney general, the court shall award three times the actual damages sustained. In the event that damages are awarded, the court shall award to the person bringing such action reasonable attorney's fees and costs.

B. Home Solicitation Contracts

It is important to know when a sale was a home solicitation, because special laws cover this kind of sale. In Louisiana, a home solicitation sale happens when the client agree to buy something, but the actual sale does not happen at the business place of the person or business doing the selling. For example, a home solicitation sale would be a sale that happens when someone first calls over the phone to make the sale.

Some other things are needed for a sale to be a home solicitation under Louisiana law: (1) the sale must be a credit sale with a service charge, and the sale must allow the buyer to make more than one payment to pay off the amount you owe, OR (2) the sale must be a cash sale for \$25.00 or more. Door-to door sales count under federal law as home solicitation sales. The federal law applies to sale, lease or rental of consumer goods or services that cost \$25.00 or more. The law requires the seller to give the buyer a

statement called a "Consumer's Right to Cancel," which tells you about your rights to cancel the sale, the date the sale took place, and the seller's address. If the buyer does not get a statement like this, s/he may cancel the sale at any time and in any way. Louisiana law gives until **midnight** of the **third business day** after the sales agreement is finished to cancel. Before the deadline expires, the buyer must put notice to cancel in the mail with the correct addresses and proper (prepaid) postage. The buyer **must write to the seller** at the address that is on the sales agreement or offer to purchase. This written notice must have the correct address and postage (prepaid) on it. When mailing the notice, the buyer should use "return receipt requested" or get a "proof of mailing" receipt at the post office and the notice must state that the buyer wishes to cancel the sale. Additionally, there are even more protections offered to those 65 and older under Louisiana law.

In Texas, §39.001, Texas Business & Commerce Code, this Act regulates the home solicitation industry. It requires specific language to be included in contracts and notices of cancellation. A buyer has the right to cancel a home solicitation contract until midnight of the **third business day** after the day on which the buyer signs the agreement. If a seller fails to give a buyer notice of the right to cancel the contract, until the seller has complied, the buyer may cancel.

8.0 INSURANCE ISSUES

8.1 Overview

Most major insurance companies have established Hurricane Katrina disaster hot lines for their policyholders. The lists of insurance company hot lines are posted on the websites of the various state departments of insurance. The contact information for the insurance departments of the affected states is as follows:

Louisiana Department of Insurance (www.ldi.la.gov/HurricaneKatrina)
800-259-5300; 225-342-5900 (outside Louisiana)

Mississippi Department of Insurance (www.doi.state.ms.us)
800-562-2957; 601-359-2453 (outside Mississippi)

Alabama Department of Insurance (www.aldoi.gov)
800-433-3966; 334-241-4141 (outside Alabama)

Texas Department of Insurance (www.tdi.state.tx.us)
1-800-252-3439

National Association of Insurance Commissioners (www.naic.org)

Beware of anyone who claims that they are working on behalf of the government, the Louisiana Department of Insurance, or your insurance company and asks for money to help expedite your claim. Demand to see an official photo identification. Ask this person's name and immediately report this to your insurance company or the State of Louisiana Department of Insurance for verification.

You may be approached by a "public adjuster" who will offer to assist you in handling or expediting your insurance claims in return for a percentage of your insurance benefit payments. Public adjusters are illegal in Louisiana. Only attorneys can represent third parties in claims against insurance companies and only attorneys are allowed to collect a percentage of your payments. Be sure this contract with your attorney is in writing and you understand exactly what expenses, if any, you are agreeing to pay over and above the contingency fee.

Most insurance companies will only reimburse for reasonable cost of repair. If prices quoted for repairs appear inflated, get another estimate and obtain your insurance company's agreement before undertaking repairs. Remember that your claim will only be approved to the extent that it does not exceed your policy limit. If you undertake repairs at an inflated price, you may reach your maximum policy limit very quickly.

8.2 Emergency Orders/Rules

The Louisiana Department of Insurance has published a draft of an Emergency Order that will suspend certain statutes and regulations regarding cancellation, non-renewals,

reinstatements, premium payments, claim filings and related provisions regarding any and all insurance matters affecting Louisiana insureds affected by the hurricane. *See* Exhibit I attached hereto.

The Emergency Order contains the following key provisions, among others:

- A. As to any insurance policy provision, notice, correspondence or law which imposes a time limit upon an insured, who is a victim of Hurricane Katrina, to perform any act or transmit information or funds with respect to said insurance, which act was to have been performed on or after 12:01 AM on August 26, 2005, the time limit shall be suspended during the term of the present State of Emergency, and any subsequent State of Emergency declared thereafter with regard to Hurricane Katrina.
- B. Any notice of cancellation, notice of nonrenewal, nonreinstatement or any other notice related to any type of insurance in force and effect at 12:01 a.m. on August 26, 2005 shall be null and void and have no force or effect. Furthermore, any such notice shall be reissued *de novo* to the insured in accordance with existing statutory requirements, but not until the present State of Emergency, or any subsequent State of Emergency, has been lifted by Governor Kathleen Babineaux Blanco.
- C. No policy shall be cancelled or nonrenewed solely because of a claim resulting from Hurricane Katrina.
- D. The renewal of any and all group life, health or disability insurance policies shall be deferred until January 1, 2006, and any rate increase that may be applicable to any and all group life, health or disability insurance policies shall be deferred until January 1, 2006. All group life, health or disability insurance policies in effect at 12:01 a.m. on August 26, 2005 shall continue in full force and effect until January 1, 2006 at the previously established premium.
- E. Any insurer, HMO, premium finance company, surplus lines insurer and other entity who receives a claim from an insured owing a premium may offset the premium due to the insurer, HMO, premium finance company, surplus lines insurer or other entity from any claim payment made under the policy.
- F. Nothing in Emergency Rule 15 shall be construed to exempt or excuse an insured from liability for the premiums otherwise due for actual insurance coverage provided.

Additional matters addressed in the Emergency Order pertain to contracts for insurance that were financed by a premium finance company, consent to cancel by the policyholder,

obligation of the policyholder to cooperate in the claim adjustment process, and offsetting the claim by premiums owed.

8.3 Flood Insurance

FEMA oversees the National Flood Insurance Program. All flood insurance policies require you to give prompt written notice of loss. Contact your insurance company or insurance agent to find out how to file your notice of claim. Typically, you will file a claim for damages under your flood insurance policy by submitting a signed Proof of Loss to your insurance company. The Proof of Loss must be in the hands of the insurance company within 60 days after the loss occurs. However, in cases of severe catastrophe, FEMA may authorize Proof of Loss extensions for everyone in your area. You will need to submit a list of lost or damaged contents. To the extent possible, include on the list the quantity of each item, a description, brand name, cost, model and serial number, and your estimate of the loss amount. An insurance adjuster will prepare an estimate of damages and provide you with a copy. You and the insurance company can then agree on the amount of the damages to be paid. If you do not agree, then you can appeal the insurance company's decision. Please refer to your policy for more information on claims payment and the appeal process.

8.4 Insurance FAQs

Q. 125 Can I obtain immediate financial assistance from my homeowners insurance company to pay for alternative living arrangements while I am displaced from my damaged or destroyed home?

You may be entitled to additional living expenses (ALE) under your homeowners policy. Ask your insurance company if you are entitled to these benefits under your policy. Also ask your insurance company for a copy of your insurance policy so that you can confirm whether the benefits are available to you.

Q. 126 Do I have to pay my insurance premiums (for example, on my house or car) in light of Hurricane Katrina damage?

Yes, you generally must continue to pay your insurance premiums when due. However, some insurers may grant extensions on payment deadlines. For example, the Mississippi Insurance Commissioner has directed all insurers in his state to grant 60-day grace periods for collection of insurance policy premiums owed by residents of the state who are impacted by Hurricane Katrina. This means that Mississippi residents may have an additional 60 days to pay their premiums, and that insurers cannot non-renew their policies due to late premium payments. This will not forgive the owed premiums. The directive is voluntary, but insurance companies generally have complied with these directives. Contact your insurance company or state department of insurance to determine if there are any premium payment extensions that apply to you.

Q. 127 How can I preserve my claims and protect my right to repayment from insurance coverage?

If you have any insurance policy which you think may cover your damage, whether it is a homeowners, renters, or car insurance policy, call your agent, broker, or insurance company as soon as possible and report your loss. Do this even if you are not sure that there is coverage or if you do not know if the claim will exceed the deductible. Make sure you write down the name of the person you speak to and the claim number they will give you. Exhibit H provides a list of the telephone numbers of various insurance companies. Many companies have also established websites and local emergency claims offices as part of the disaster response. Further, some companies may provide additional contact points through newspaper or radio advertisements

If you cannot get through to your insurance company by telephone, write them a letter telling them of your loss and keep a copy of it. If you cannot find the insurance policy, contact your agent, broker or insurance company. Ask for the entire policy, not just the cover page or declarations.

If you cannot stay in your home, make sure you give the insurance agent or representative your new address and telephone number.

Q. 128 What if I live in a condominium?

If you own a condominium, you should look at both the coverage provisions in your association insurance policy and the coverage under your individual unit coverage owner's insurance policy.

Q. 129 How do I get an insurance adjuster out to my home to assess the damage?

You should request the insurance company to send an adjuster to look at your property. It is best if this request is in writing. If necessary, you should contact the Louisiana Department of Insurance at 1-800-259-5300. However, this will not be done until public officials have declared it safe and have allowed such work to begin

Q. 130 What can I do to prepare for the insurance adjuster?

If circumstances allow, make a list of all property damaged or destroyed, take pictures, collect names, addresses and telephone numbers of witnesses, obtain repair estimates, keep a record of expenses, such as alternative housing, etc., and locate original bills and receipts for lost items. If you do not have or cannot locate a complete household inventory, try to picture the contents of every room in your home and then list and describe all items that were damaged or destroyed. Include furniture, major appliances, electronic equipment, pictures or accessories in each room, as well as hobby items, tools, home maintenance items and seasonal items such as holiday decorations and outdoor furniture. As accurately as possible, try to remember when and where you bought each item, how much you paid and the cost of replacement. It is also helpful to include brand names and model numbers where known. Submit these along with your claim to the insurance company.

Q. 131 What if I cannot wait for the insurance adjuster?

Some insurance policies provide for reimbursement for temporary housing relocation costs while your home is being repaired and for car rental costs while your car is being repaired or replaced. Check your policy or call your insurance company. If your situation is desperate, make sure that you let the insurance company know and, if the insurance company agrees that there is coverage, ask for an advance payment toward your losses.

Due to the extreme amount of damage caused by a hurricane, you should make all necessary temporary repairs, such as boarding up windows, patching holes in walls or roofs, or tarping the roof, as soon as possible even if you have not yet seen the insurance company representative. You can also move your personal property to protected areas and begin cleaning and drying items damaged by water. You should get the company's permission before doing so whenever possible. You should also not dispose of any items you believe may be a complete loss until the insurance company representative has examined them. Many companies will also give you an emergency advance to cover some repair costs.

Take photos of the way things look before you begin cleaning and repairing and keep receipts for all clean up and repair expenses.

Q. 132 Can I hire someone to make emergency repairs?

Probably. Most homeowners' policies cover materials and reasonable labor expenses for temporary and emergency repairs in addition to any final repairs. You should get several estimates if possible. You should also ask the company representative whether the company will reimburse you for work you do yourself. Be sure to keep all the receipts.

Q. 133 A contractor told me he can do the job faster if I just sign my insurance check over to him. Is that a good idea?

No. If the repair work is extensive, the contractor may ask for periodic partial payments as the work progresses, but it is highly unlikely that a reputable contractor will request full payment in advance. The contract should specify that payments will be made as work is completed. If you have a mortgage on your home, the lending institution may also have specific requirements as to how the insurance funds are disbursed.

Q. 134 What if the insurance company offers to settle?

You should CONSULT A LAWYER before signing any release or waiver and before cashing any check from the insurance company which might be deemed full and final payment of your claim. Before you settle with the insurance company, be aware of the full extent of your damage and the full value of your claim. It may be important for you to get estimates or to actually have the work completed before you agree to a specific cost figure.

Q. 135 What if the insurance company denies my claim or offers me less than I think I am entitled to receive?

You should demand that the insurance company give you its reasons IN WRITING for denying coverage or limiting your claim, and consult a lawyer. You should also ask for any reports prepared by the insurance company when examining the insured's property or evaluating the insured's claim.

Most insurance policies require that you bring suit against the insurance company for failure to pay a claim WITHIN ONE YEAR from the date of the occurrence of the damage. If you do not file suit in time, you may be prevented from receiving any reimbursement.

Q. 136 Is the damage to my home covered under my insurance policy?

Hazard insurance (homeowners' policies or other fire and extended coverage properties) from the private sector generally covers the damage to the home caused by the hurricane, except for damage caused by flooding, which is generally specifically excluded. Victims should be asked whether they have separate flood insurance. **Review all applicable insurance policies.**

Q. 137 What if my insurance does not cover all of the damages to my home or personal property?

You may be eligible for benefits under the FEMA program if you are unable to pay for repair or replacement of essential parts of your home or essential personal property. See the FEMA section of this handout. You may also keep all of your repair and replacement receipts and file your losses with the IRS on your income tax returns next year. For information, you may call 866-562-5227.

Q. 138 I know I have flood insurance, what do I do?

Call your insurance company. The following link is a list of insurance companies that have help lines up for those affected by Hurricane Katrina: <http://www.disasterinformation.org/findins.htm>. [See Exhibit H.]

Q. 139 I am not sure if I have flood insurance, what do I do?

Attempt to contact your bank. The FDIC has provided a list of banks and contact numbers in the affected area. <http://www.fdic.gov/news/katrina/katrinastatus.pdf>. [See Exhibit G]

Q. 140 I know I have flood insurance, but my bank is closed – what do I do?

Banks having offices in the most devastated areas are making every attempt to establish temporary facilities to service customers.

Q. 141 I know I do not have flood insurance, is assistance available?

Contact [FEMA](http://www.fema.gov). [www.fema.gov]

Q. 142 Does my automobile insurance cover the damage to my car resulting from the disaster?

Normally, this type of damage will be covered under the comprehensive policy coverage, although the particular language and exclusions of the policy will control. Even when there is a flood, wind, etc. exclusion, coverage may exist under a collision policy if the disaster and event causing the damage could be construed as a collision. The courts have reached mixed results on this issue.

Q. 143 If my auto was damaged or destroyed in the hurricane due to falling buildings or objects, is it covered under my personal automobile insurance policy?

If you purchased comprehensive insurance for physical damage to your covered auto, then you may be entitled to coverage under your policy. If, however, you purchased only collision coverage, then the policy may specifically state that loss caused by “falling objects” is not considered a collision, in which case there may be no coverage.

Q. 144 Where can I live while my house is being repaired?

If your policy provides coverage for your loss, you will be insured for Additional Living Expense coverage which pays for the costs you incur in excess of your normal living expenses. For example, if you normally spend \$1500 for mortgage/rent, utilities, food, etc. and you now spend \$2000 due to the disaster, the insurance company will reimburse you \$500. Be sure to save all receipts.

You should also ask the company representative if there are any restrictions on where and how long you can stay and how much you are allowed for hotel rooms. If you stay with a relative or friend, the company may reimburse your host for lodging only if you can show proof of actual payment. Extra expenses, such as higher utility bills by the host, would definitely be considered. You can also submit a claim for the cost of storing your personal property until your home is ready for occupancy.

Q. 145 If a tree falls in my yard but does not damage my home or property, will insurance pay for clean up and removal?

Generally, the fallen tree must cause damage to your home or property before the insurance company is obligated to pay for clean up and removal. However, the insurance company will pay for removal of a tree that is on your house, deck furniture, or fence and some policies will pay for removal of trees that fall and block your driveway.

Q. 146 If a neighbor's tree falls on my property and hits my home, should my neighbor's insurance pay?

Generally, no. Unless negligence can be proven the neighbor's policy covers his/her house and your policy covers your house. However, see Allen v. Simon, 888 So.2d 1140, 2004-4 (La. App. 3 Cir. 12/8/04), writ denied, 896 So.2d 1007, 2005-0047 (La. 3/18/05)

where the court held that you are responsible for removal of your tree from your neighbor's property following a hurricane, even with no showing of negligence.

Q. 147 Is food spoilage covered?

Read the policy. While some policies cover food spoilage due to a natural disaster, others do not.

Q. 148 If my business maintained vehicles which were damaged as a result of Hurricane Katrina, is there coverage under my commercial auto policy?

The coverage depends upon the cause of the loss and upon whether you purchased Comprehensive Coverage, Specified Causes of Loss Coverage, or Collision Coverage. Specified Causes of Loss Coverage typically covers damage caused by fire, theft, windstorm, flood, mischief or vandalism. Comprehensive Coverage typically covers any cause of loss except collision or overturn. If you purchased only Collision Coverage, then there likely is no coverage.

Q. 149 My business property was damaged due to winds/storm surge/flood/collapse during Hurricane Katrina. Is there coverage under my commercial property policy for damage to the structure and for lost or damaged contents?

The typical commercial property policy will pay for direct physical loss or damage to covered property, including business personal property located in or on the premises, resulting from a covered cause of loss. However, such policies may contain exclusions for flood (including surface water, waves, tides, tidal waves, overflow of any body of water, whether driven by wind or not) or collapse. You will need to refer to your policy to determine if there are exclusions that apply. If your policy provides coverage, it may also pay for the expense to remove debris of covered property.

Q. 150 Am I entitled to replacement cost for covered property under my business's commercial property policy?

The policy typically will allow actual cash value, which takes into consideration depreciation of the property. However, you may have purchased an endorsement which provides coverage on a replacement cost basis.

Q. 151 I have a manufacturing business that stopped operating the day that Hurricane Katrina struck the city I which my company is located. Is there insurance coverage for my lost business?

If you have Business Interruption and Extra Expense coverage, you may be entitled to recover the net profits and fixed charges and expenses you fail to earn because of business interruption resulting from an accident. You may also be entitled to recover the extra expense of operating your business from the day of the accident until normal operations are restored.

9.0 WILLS AND ESTATES

9.1 Wills and Testaments

Louisiana currently has two different types of wills: the *notarial* will and the *olographic* will. The primary type of will which is used in Louisiana is known as the notarial will. This will is normally typewritten and must be executed in the presence of a notary and two witnesses after the testator has declared to the notary and witnesses that he or she has read the will and that the will is the last will and testament of the testator. The testament must be dated and all parties must sign in the presence of each other. This is a self-proving will. The second type of will which is regularly used in Louisiana is the hand-written or olographic will. The only requirements for this will to be valid is that it be entirely written, dated and signed in the hand of the testator. The term “testator” is used for a male who executes a will. The term “testatrix” is used for a female who executes a will. A codicil to a will is basically an amendment or a supplement to a will which has been previously executed. Out of state wills can be probated in Louisiana. However, if a person previously executed a will in another state and then moves to Louisiana, he/she should execute a new will in Louisiana because of Louisiana's unusual laws with respect to community property and forced heirship. Conversely, if a person executed a will in Louisiana and then moves to another state, he/she should execute a new will in that state according to its requirements. If someone has lost their original will a copy can be submitted to probate showing that the original was lost and there was no intent to destroy. If there are no originals or copies now in existence then a new will should be executed. If a person dies and their will cannot be found, they will be considered as having died intestate.

9.2 Succession (“Probate”)

The word “succession” in Louisiana is generally used to refer to the process of filing a deceased individual’s will, if any, paying any final expenses and delivering the deceased’s property to his heirs or legatees (beneficiaries of bequests in a will). This is also referred to as “probate” in other states. There are two ways to handle a succession in Louisiana. First, the deceased’s heirs or legatees can accept the succession without an administration. An administration of a succession involves the appointment of someone to gather the deceased’s assets, sell any assets necessary to pay debts and taxes or divided the property, and then deliver the property to the heirs or legatees upon the conclusion of the administration. If the deceased did not owe significant debts and the property can be divided easily, many successions are handled without a formal administration. Such a succession will involve gathering the information for the deceased’s assets and debts, paying any taxes due and filing the necessary pleadings with the proper court to place the heirs or legatees into possession of their shares of the deceased’s property. A variation of the succession without an administration is the “small succession” also referred to as a “succession by affidavit”. If the deceased died without a will, without any real estate and with property having a value less than \$50,000.00, then the succession can normally be completed by filing an affidavit with the Louisiana Department of Revenue. No formal court filing is needed for the small succession. The affidavit can then be used to transfer

titles to vehicles as well as bank accounts, stocks, bonds, and personal assets. If a formal administration is needed, then an administrator (if the deceased died without a will) or an executor (if the deceased named one in a will) can be appointed by the proper court to administer the succession of the deceased. The administration can be as simple or as complicated as needed depending upon the work needed to wind up the deceased's affairs and distributed the property to his heirs or legatees. The administrator will sell any assets to be sold, pay any debts or taxes and then file pleadings with the court to distribute the remaining property to the deceased's heirs or legatees to conclude the administration. The enactment of the "Independent Administration" discussed below has improved the process of administering successions in Louisiana by giving administrators greater powers to act without court supervision.

9.3 Administration of Estates

When an individual dies with or without a will it may be necessary for an individual or an entity to take over the affairs of the decedent and wind up those affairs through the succession. If an individual does not have a will and a succession representative is appointed, that person is named the "administrator" of the succession. If an individual has a will and has named a person to handle the succession affairs, that person is termed the "executor". Under Louisiana law the succession representative is entitled to a fee of 2-1/2% of the gross estate. The succession representative does not have to take the fee if he or she declines to take the same. The fee is subject to federal income tax. The succession representative, whether it is the administrator or executor, is charged with managing the property included in the estate, paying the debts and expenses of the deceased person, filing all appropriate income tax returns, filing the federal estate tax return, and filing the state inheritance tax return. The succession representative is charged with distributing the estate as provided under the laws of intestacy or pursuant to the terms of the will. Louisiana has adopted the concept of "Independent Administration". Under the statutory provisions, if provided by will or if agreed to by the heirs and legatees, the Executor or Administrator does not have to seek court approval to dispose of assets or carry out succession functions.

If there are minor children of the deceased and there is no surviving spouse, then the deceased may want to name a tutor for the minor child or children. The term "tutor" is synonymous with the term "guardian." The tutor will actually take physical custody and control of the minor child or children until the child or children reach age 18. The tutor can utilize distributions from the trust for the benefit of the minor child or children or can utilize the assets of the succession to which the children are entitled for their support, health, and education.

9.4 Laws of Intestacy

Louisiana law provides for the distribution of the property of an individual if he or she dies without a will. Let us assume that there is a husband and wife and that they have three children. Let us further assume that the husband dies owning both community property and separate property. If the husband dies intestate (without a will), then the separate property of the husband is inherited entirely by the three children in full and

complete ownership. The husband's one-half (1/2) of the community property is also inherited by the three children subject to the right of usufruct in favor of the surviving wife for her lifetime or until remarriage. The surviving wife, of course, already owns an undivided one-half (1/2) interest in the community property. The right of usufruct means that the surviving spouse has the right to the fruits and revenues and the use of the property subject to the usufruct. The right of usufruct over real estate entitles the surviving spouse (usufructuary) to the right to live on the property or to rent the property and collect rents. The usufruct over stocks and bonds entitles the usufructuary to the dividends and interest therefrom, but would not entitle the usufructuary to sell the property subject to the usufruct. The right of usufruct over cash entitles the usufructuary to spend the cash. In this context, the term "cash" includes such items as savings accounts, checking accounts, certificates of deposit, or money market funds. The Louisiana Civil Code provides for how a person's property is distributed under other circumstances when the deceased dies without a will. Keep in mind that dying intestate, or without a will, is not the same as forced heirship.

9.5 Forced Heirship

Louisiana is the only state in the United States which has the concept of forced heirship. Under the concept of forced heirship, if an individual makes a will and fails to leave his forced heirs a certain portion of his property, then those forced heirs can claim a portion of the deceased parent's property. In 1995, Louisiana voters approved a constitutional amendment to adopt a modified version of forced heirship. This law provides that the class of forced heirs is limited to children who are twenty-three years of age or younger at the time of the decedent's death or descendants of any age who, because of mental incapacity or physical infirmity, are permanently incapable of taking care of their persons or administering their estates at the time of death of the decedent.

Certain property is not subject to the claims of forced heirs. This property includes amounts in individual retirement accounts, profit sharing plans, thrift plans, governmental retirement plans, and other such accounts; insurance proceeds payable on the deceased's life and premiums paid by the deceased for such policy; U.S. Savings Bonds and other U.S. Treasury obligations payable to a beneficiary.

9.6 Louisiana Inheritance Tax

Louisiana has eliminated its inheritance tax for deaths after July 1, 2004 provided that a judgment of possession is rendered or the succession is judicially opened within nine months of death. If no action is taken within nine months, then inheritance tax will be imposed.

9.7 Frequently Asked Questions:

Q. 152 My father died in the Hurricane and we cannot locate his body. How long must we wait before we can gain access to his assets?

Civil Code Article 30 provides a presumption of death where a person disappears under circumstances that his death seems certain even though his body cannot be located. If

the presumption does not apply, then Louisiana has rules for “Absent Persons” which allow declaration of death after 5 years (see Civil Code Article 54). In the interim, a curator of the person’s property can be appointed. It is expected that the legislature will address this potentially harmful result as to the Hurricane Katrina victims.

Q. 153 What do I need to file and where?

A succession is filed in the court of the parish in which the person was domiciled. See www.lsba.org to check status of the parish courts.

Q. 154 Who appoints an administrator?

The Court would confirm any administrator, but in practice they family generally agrees in advance who will serve.

Q. 155 Must I comply with a child custody order if my ex-spouse and I were separated by the evacuation and I have custody of my child?

You should attempt to comply to the extent you can under the circumstances. A modification of the order will not be possible until the courts where you live are operating again. If you intend to stay in Texas for awhile you should contact an attorney to see if this could be done in a Texas court.

Q. 156 Can I make decisions for my child if I am unable to get in contact with the biological mother or father?

If the other parent cannot be located and if the parent with physical custody has joint custody he or she can make the decisions for the child. If he or she does not have joint custody, he or she should immediately file for same. If there is no judgment of paternity (if it is the father who has the child), he must seek a judgment of paternity contemporaneously with the filing of custody.

Q. 157 Must I continue to make child support/alimony payments?

If a party has physical custody of the child under these circumstances, the support payments should be deemed to be suspended. They do not have to be sent because the whereabouts of the recipient is unknown but they should be escrowed to be available once the recipient is located.

10.0 HEALTH CARE ISSUES

10.1 Information on Public Health Assistance

For information concerning Hurricane Katrina assistance services being offered in surrounding states, visit the following state Web sites or links posted on the Louisiana Department of Health and Hospitals' Emergency News Web site at <http://www.dhhemergencynews.com/>. Web links from other states will be added as they become available.

LOUISIANA www.dhhemergencynews.com
Emergency News

TEXAS <http://www.dshs.state.tx.us/dshstoday/katrina.shtm>
Hurricane Katrina Information and Resources

ARKANSAS <http://www.kare.arkansas.gov/>
Katrina Assistance Relief Effort

MISSISSIPPI <http://www.msdh.state.ms.us/index.htm>
"After The Storm Essential Health and Safety Notices"

10.2 HIPAA Privacy and Disclosures in Emergency Situations

As you may know, the Health Insurance Portability and Accountability Act of 1996 established fairly stringent privacy and disclosure requirements for health care providers. There are certain exceptions to this requirements in the event of a disaster. The attached Exhibit J provides a summary of what patient information can be shared in order to assist disaster relief efforts. A summary is as follows:

- A. TREATMENT. Health care providers can share patient information as necessary to provide treatment.
- B. NOTIFICATION. Health care providers can share patient information as necessary to identify, locate and notify family members, guardians, or anyone else responsible for the individual's care of the individual's location, general condition, or death.
- C. IMMINENT DANGER. Providers can share patient information with anyone as necessary to prevent or lessen a serious and imminent threat to the health and safety of a person or the public -- consistent with applicable law and the provider's standards of ethical conduct.
- D. FACILITY DIRECTORY. Health care facilities maintaining a directory of patients can tell people who call or ask about individuals whether the individual is at the facility, their location in the facility, and general condition.

10.3 Frequently Asked Questions

Q. 158 Do I need to get any vaccines before I return to clean up my home, which sustained damage in the hurricane?

At this time, DHH officials say there is no need for any special immunizations in the wake of a hurricane or other severe storm; however, residents who cut or puncture themselves while cleaning up after the storm should get a tetanus shot if they have not received one in the past five years.

Adults should routinely have a tetanus shot every 10 years, but a booster shot is necessary if they have a dirty wound and their last shot was more than five years ago. If you meet these standards, you may want to receive a tetanus shot before returning to clean up your home. Contact the nearest parish health unit to see about obtaining the vaccine there.

Q. 159 How should I clean up mold in my home?

The federal Centers for Disease Control and Prevention (CDC) has issued guidelines for the safe and effective cleanup of household mold, which many will experience after a hurricane. Please view the mold removal and cleanup guidelines at <http://www.dhh.louisiana.gov/offices/publications.asp?ID=145&Detail=716>.

Q. 160 I am a Louisiana Medicaid recipient who evacuated to another state. Can I still use my Medicaid benefits?

Your Medicaid benefits still apply as long as you are treated by an out-of-state provider who is willing to accept Louisiana Medicaid as payment. For more information on Medicaid benefits, please call **1-888-342-6207**. For Medicaid Pharmacy Program benefits, please go to a pharmacy that accepts Medicaid benefits with your Medicaid card, and call Medicaid at **1-888-342-6207** for temporary enrollment. For Medicaid providers who need to get recipients' prescriptions filled in other areas, please call **1-800-437-9101**.

Q. 161 I am a Louisiana WIC recipient who has evacuated from Hurricane Katrina. Can I still receive my WIC foods and nutritional information?

The Department of Health and Hospitals has established a hotline number for the Women, Infants and Children [WIC] nutrition program recipients to find out how to obtain WIC items at their current locations. Call **1-800-251-BABY** for this information.

Q. 162 I did not bring my children's immunization records with me when we evacuated – can I still enroll them in new schools?

The state has temporarily waived the requirement for parents to present their children's immunization records to enroll them in schools. The Department of Health and Hospitals—Office of Public Health is using its internal LINKS system to track

immunizations records and will share that information with the appropriate education officials.

Q. 163 I evacuated from the hurricane and have no means of paying for my prescription medications --- what can I do?

The Louisiana Board of Pharmacy has received confirmation that emergency prescription needs will be taken care of for Hurricane Katrina evacuees without means to pay for their medications. Evacuees can go to any Wal-Mart, CVS, Rite Aid, Walgreen's or Kroger's pharmacy in Louisiana or around the country to have their emergency prescriptions filled at no cost ***depending upon patient need***. Nurses and doctors who have authority to write prescriptions and are treating patients in special needs shelters as part of the recovery effort can send their patients' prescriptions to these pharmacies to be filled.

Q. 164 I have a relative with a developmental disability and need help relocating him/her. Whom can I call?

The Department of Health and Hospitals—**Office for Citizens with Developmental Disabilities** has established four OCDD Response Teams to facilitate the handling of requests from people with disabilities, their families, providers, employees and the community. This includes requests regarding ICF/MRs, waiver supports and services and state-funded services.

OCDD is in the process of establishing a nationwide toll-free number for access to these teams. Until that number is established, please contact the office at **225-342-0095**. This number will be staffed from 7 a.m. to 7 p.m. until further notice. This includes weekends and the Labor Day holiday.

The teams are established to locate people with developmental disabilities and their families who have been displaced; handle requests and questions regarding relocation of people with developmental disabilities; locate employees of developmental centers who have been displaced; and field offers of donations of funds, staff or volunteers who would like to assist people with developmental disabilities.

Q. 165 I need to enroll my child at a new school following my family's evacuation and do not have the birth card he/she will need to do so. Where can I obtain one?

The Department of Health and Hospitals is offering no-cost birth cards (small versions of birth certificates) to evacuees and their children. Birth cards can be obtained from parish health units in the following regions: East Baton Rouge, Lafayette, Lake Charles, Alexandria, Shreveport and Monroe.

Also, clerk of court offices in Acadia, Allen, Ascension, Assumption, Bienville, Catahoula, Claiborne, East Baton Rouge, East Carroll, East Feliciana, Franklin, Grant, Jackson, Lafayette, Livingston, Madison, Morehouse, Natchitoches, Plaquemines, Richland, Sabine, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St.

Tammany, Tensas, Terrebonne, Union, Vernon, Washington, Webster, West Carroll and West Feliciana parishes will offer no-cost birth cards.

Q. 166 Is anyone rescuing abandoned animals?

Questions about the animal rescue effort can be answered by calling toll-free 1-888-773-6489 or visiting www.vetmed.lsu.edu.

Q. 167 My family member was in a hospital before the storm and we need to know where he/she was evacuated. How can we find out?

The Louisiana Hospital Association is compiling a list of this information. Families can call 225-928-0026 or they can go online www.lhaonline.org to find out information.

Q. 168 One of my relatives was evacuated from a community home in the Greater New Orleans area. How can I find him/her?

Community And Residential Services Association (CARSA), a trade organization for providers of services for people with developmental disabilities, in cooperation with the ARC of Louisiana, the Developmental Disabilities Council and The Advocacy Center, is available to assist families who may have relatives who were evacuated from community homes and other service programs in the Greater New Orleans area. Families seeking information may call the following numbers for assistance:

- **CARSA** – 225-343-8811
- **The ARC of Louisiana** – 1-866-966-6261
- **Developmental Disabilities Council** – 1-800-450-8108
- **The Advocacy Center (Baton Rouge)** – 1-800-711-1696
- **The Advocacy Center (Lafayette)** – 1-800-822-0210

Q. 169 What can I do about evacuated children who are abandoned without parents or guardians?

The placement of children is handled by the Louisiana Department of Social Services. Please visit their Web site at <http://www.dss.state.la.us/> for more information.

11.0 PERSONAL BANKRUPTCY ISSUES

Hurricane Katrina is expected to make some storm victims think about filing bankruptcy. The new bankruptcy law has significant changes with added costs to someone who files bankruptcy. The new law takes effect on October 17, 2005 and it is expected to make it more difficult for individuals to file for bankruptcy protection and more difficult for businesses to reorganize. Although, that has yet to be seen.

One thing is for sure – attorneys will charge more for cases filed under the new law and it will be harder for a Debtor to file without the aid of an attorney. Below is a summary of common questions asked about bankruptcy, this outline is meant to only be a bankruptcy primer. It is recommended to file before October 17, 2005; and, as such, I will not provide a detailed analysis of the changes adopted under the new law. A bill was to be introduced that attempts to extend the October 17, 2005 deadline. The forms for filing a bankruptcy are posted on virtually every bankruptcy court website. In addition, remember that pleadings are filed via CM/ECF.

Q. 170 What is involved in the bankruptcy process?

A bankruptcy case begins with the filing of a petition, schedules (forms in which the debtor lists his property, secured claims, unsecured claims, claimed exemptions, and other information), and statement of financial affairs (which provides personal background information).

In a Chapter 7 (liquidation) case, the court will appoint a trustee to represent the interests of your creditors. Around a month after filing, the Debtor must attend the “§341 meeting of creditors” with the trustee to answer questions regarding the Debtor’s assets and schedules. Creditors do not usually show up for most cases. The 341 meeting is usually pretty quick, although you may wait awhile in some cases before the Debtor’s case is called. After the 341 meeting, the trustee sells any property that is not exempt and files any actions to recover funds of the estate that are considered to be preferences and/or fraudulent transfers. The proceeds are distributed to the creditors. At the end of liquidating the property, the Court schedules a final hearing and discharges the Debtor’s debts. A Chapter 13 (wage earner - repayment of debts) case begins by filing the same papers as under a Chapter 7. In addition, you must file a repayment plan. You make your payments directly to the Chapter 13 trustee. The trustee then pays your creditors according to the terms of the plan. When you have repaid your creditors according to the plan, a court hearing will be held and you will be discharged.

Q. 171 Should I file for bankruptcy? How do I know when I should do so?

Filing bankruptcy is a strictly personal decision. The ratio of you assets to liabilities is an important factor. A Debtor cannot discharge all debts. The decision as to whether and when to file a bankruptcy petition should be based upon the facts of each Debtor’s individual case

There are three different chapters of the Bankruptcy Code under which an individual can file, and they are: Chapter 7, Chapter 11 and Chapter 13. A Chapter 7 case is sometimes called "liquidation". In Chapter 13, a Debtor files a plan that obligates him to pay some or all of his debts over a 3-5 year period. Chapter 13 is available only to an individual with regular income whose unsecured debts are less than \$307,675 and whose secured debts are less than \$922,975. Chapter 13 is commonly chosen when the Debtor is facing foreclosure on a mortgage. The "super discharge" of Chapter 13 also covers most debts (other than those for alimony and support, student loans, or drunk driving) that would not be dischargeable in a Chapter 7 case. Chapter 11 is primarily used by businesses that need to reorganize in order to get out from under debt, although individuals may file Chapter 11 also. In Chapter 11, the Debtor proposes a plan for paying some or all of his debts, and his creditors get a chance to vote on whether to accept or reject that plan. Chapter 11 may be the only recourse for a consumer debtor with an extremely large mortgage that causes his secured debt to exceed the limit for Chapter 13.

Q. 172 Which debts are not discharged in bankruptcy?

In a Chapter 13 case, you cannot obtain a discharge for:(1) back alimony and support,(2) student loans,(3) damages resulting from driving under the influence, or(4) court-ordered restitution, or a criminal fine, included in the sentence for conviction of a crime.*In a Chapter 7 case, you cannot obtain a discharge for the types of debt listed above and the debts listed below:*(5) debts incurred by fraud,(6) damages for willful and malicious injury to someone else's person or property,(7) certain taxes and tax penalties, or debts incurred to pay nondischargeable taxes,(8) debts that were or could have been listed in a prior case in which you waived or were denied a discharge,(9) property settlements in a divorce, to the extent that hardship to the debtor outweighs benefit to the other spouse,(10) condominium or cooperative housing fees and assessments,(11) court filing fees, or (12) damages resulting from securities fraud.

Q. 173 Suppose I leave out a debt on my petition?

If the debt is not listed on your schedules, then you do not get the benefit of the discharge and will have to repay that debt. In addition, if you fail to list the debt with the intent to conceal and defraud, then you may lose your discharge in its entirety.

Q. 174 Does a bankruptcy filing stop a wage attachment?

Yes. This is a result of the automatic stay that occurs when you file a bankruptcy petition.

Q. 175 What is a discharge in bankruptcy?

A "discharge" in bankruptcy means that you are legally free and clear of any obligation to repay certain debts. The creditor no longer has any right to collect that debt. The debtor no longer has any obligation to repay it.

Q. 176 How can I escape from my student loan debt?

Student loans are dischargeable only on a showing of “undue hardship”. The undue hardship standard is very hard to meet. Unlike practically every other legal liability, student loans never go away—there is currently no statute of limitations for student loan debt.

Q. 177 Can I repay a creditor if I want to - even after bankruptcy?

Yes. You can voluntarily repay a debt even if it would be discharged by your bankruptcy. In a Chapter 7 case, the only limitation is that you must use exempt assets (assets you listed on your schedules as being exempt) or post-petition earnings (money you earned after you filed the petition).

Q. 178 What is the automatic stay?

The “automatic stay” prevents a creditor from continuing to enforce a claim against a debtor during the life of the bankruptcy case. Some examples of actions by a creditor that would violate the stay are these:(1) Filing a new lawsuit, or continuing to press a lawsuit that had already been filed.(2) Collection letters.(3) Filing a “financing statement” to perfect a security interest.(4) Refusing to issue a transcript of school records.(5) Canceling your driver’s license.

Q. 179 I'm Married, Can I File by Myself?

Yes, but your spouse will still be liable for any joint debts. If you file together you will be able to double your exemptions. In some cases where only one spouse has debts, or one spouse has debts that are not dischargeable then it might be advisable to have only one spouse file. If the spouses have joint debts, the fact that one spouse discharged the debt may show on the other spouses credit report.

Q. 180 Where do I file if I haven't lived in the same state or district for the last six months?

[28 USC Section 1408](#) states that the case should be filed where the debtor has lived "for the one hundred and eighty days immediately preceding such commencement, or for a longer portion of such one-hundred-and-eighty-day period." This means that the case should be filed in the bankruptcy district in which the debtor has lived for the greatest portion of the last six months. Please be advised that the U.S. Bankruptcy Court for the Eastern District of Louisiana has moved to Baton Rouge, Louisiana and will be housed at the Middle District of Louisiana Courthouse.

Q. 181 If I am going through a divorce how will my ex-spouse filing bankruptcy affect our divorce settlement?

Alimony, maintenance, and/or support are protected from discharge. Divorce decrees and separation agreements are covered by 11 U.S.C. Section 523(a)(15). This section states that these debts are not dischargeable unless:

- (A) the debtor does not have the ability to pay such debt from income or property of the debtor not reasonably necessary to be expended for the maintenance or support of the debtor or a dependent of the debtor and, if the debtor is engaged in a business, for the payment of expenditures necessary for the continuation, preservation, and operation of such business; or
- (B) discharging such debt would result in a benefit to the debtor that outweighs the detrimental consequences to a spouse, former spouse, or child of the debtor.

Q. 182 Will my retirement plan be protected?

Generally speaking yes, if the funds are in a qualified account. Retirement plans that are ERISA-qualified are protected under current laws in all jurisdictions and are not included as property of the bankruptcy estate.

Q. 183 What effect does bankruptcy have on child support?

Filing for bankruptcy protection does not allow your ex-spouse to discharge past due child support obligations. Any back payments owed for child support cannot be discharged in a bankruptcy proceeding. However, the filing of a bankruptcy petition automatically stops collection activities on a support order. Since there are legal procedures that must be followed in order to lift the stay regarding the payments, it is crucial to retain an attorney who has expertise in bankruptcies. These domestic issues are modified under the "new" bankruptcy law.

Q. 184 What About Co-signers?

If someone has co-signed a loan with you and you file for bankruptcy, the co-signer may have to pay your debt.

Q. 185 Will my filing bankruptcy stop a foreclosure?

Filing a Chapter 7 bankruptcy temporarily stalls your lender's right to foreclosure, until it gets permission to go forward with the foreclosure proceedings. However, doing so could have other very serious consequences. Please keep in mind that foreclosure in Louisiana is a much lengthier process than in Texas. Foreclosure can be by ordinary or executory process. You should not file bankruptcy simply to stall a foreclosure.

Q. 186 How will the "new" law impact people who are in financial trouble and may need to file bankruptcy or Chapter 7?

Anyone who seeks to file Chapter 7 Bankruptcy, will be forced to undergo a "means test". The "means test" requires that the Debtor's gross income be measured against the state's median. If their gross income is higher than their state's median income, they will not be able to file Chapter 7 and but will be forced to file a Chapter 13 or Wage Earners Bankruptcy. This means that they will have to repay their existing debt using a portion of their income over 5 years. In addition, this new law will require that before filing, debtors will be required to take credit counseling classes. This will prolong the filing process

which could cause debtors to lose their assets and will also increase the fees and expenses for filing bankruptcy. Attorneys will have more liability, and it is safe to assume they pass the risk along in higher fees to clients.

Q. 187 What property is exempt from the Trustee in a Chapter 7?

A Debtor can seek to claim the following types of property as exempt in Louisiana.

ASSET	EXEMPTION	LAW PROVISION
HOMESTEAD	Property you occupy to \$25,000; cannot exceed 160 acres on 1 tract, or on 2 or more tracts if there's a home on 1 tract and field, garden or pasture on others (husband and wife may not double)	20:1
	Spouse or child of deceased owner may claim homestead exemption; spouse given home in divorce gets homestead	20:1
INSURANCE	Fraternal benefit society benefits	22:558
	Group insurance policies or proceeds	22:649
	Health, accident or disability proceeds or avails	22:646
	Life insurance proceeds or avails; if policy issued within 9 months of filing, exempt only to \$35,000	22:647
MISCELLANEOUS	Property of minor child	13:3881A(3), Civil 223
PENSIONS	Gratuitous payments to employee or heirs whenever paid	20:33(2)
	ERISA-qualified benefits if contributions made over 1 year before filing for bankruptcy	13:388D(1), 20:33(4)
PERSONAL PROPERTY	Arms, military accouterments, bedding, linens and bedroom furniture, chinaware, glassware, utensils, silverware (non-sterling), clothing, family portraits, musical instruments, heating and cooling equipment, living room and dining room furniture, poultry, fowl, 1 cow, household pets, pressing irons, sewing machine, refrigerator, freezer, stove, washer and dryer	13:3881A(4)

	Cemetery plot, monuments	8:313
	Engagement and wedding rings to \$5,000	13:3881A(5)
	One firearm to \$500	13:3881A(f)
PUBLIC BENEFITS	Aid to blind, aged, disabled, AFDC	46:111
	Crime victims' compensation	46:1811
	Unemployment compensation	23:1693
	Workers' compensation	23:1205
TOOLS OF TRADE	Tools, instruments, books, pickup truck (maximum 3 tons), non-luxury auto and trailer, needed to work	13:3881A(2)
	One motor vehicle to \$7,500	13:3881A(2)(d)
WAGES	Minimum 75% of earned but unpaid wages; bankruptcy judge may authorize more for low-income debt	13:3881A(1)

Q. 188 What is the status of the United States Bankruptcy Court for the Eastern District?

By order of Chief Judge Jerry A. Brown all filing deadlines imposed by the Federal Bankruptcy Rules, the Local Bankruptcy Rules, and orders of this court are extended until **September 26, 2005**. Trial and hearing dates will be rescheduled.

It is the intention of the United States Bankruptcy Court for the Eastern District of Louisiana to commence operations from the offices of the United States Bankruptcy Court for the Middle District of Louisiana as soon as possible. Please continue to check this website for further updates.

12.0 REPLACING LOST DOCUMENTS

This outline provides information on how to go about replacing documents lost, destroyed or damaged during Hurricane Katrina. The emphasis is on Louisiana where state documents are concerned.

12.1 U.S. Mail Service (as of September 8, 2005)

New Orleans mail has been diverted to Houston, and refugees nationwide can restart mail service from the post office nearest where they are staying, the U.S. Postal Service said Friday. A general-delivery ZIP code -- **77230** -- has been set up for the more than 11,000 refugees at the Astrodome, and people elsewhere can resume their mail service by filling out a change-of-address form at a nearby post office, said Cliff Rucker, Houston district manager for the Postal Service.

Mail is being held in trailers and vans in Houston, and the post office will distribute mail as it receives new information on addressees, Rucker said. Astrodome evacuees will get mail that has their name, a "general delivery" designation and the special ZIP code. Those staying in other shelters can have mail forwarded to the shelter, Rucker said.

Evacuees can call 800-ASK-USPS (275-8777) for assistance.

12.2 Bank and Investments Accounts

If you don't have an ATM card or your bank has been destroyed, don't panic. The Federal Deposit Insurance Corporation has encouraged banks to lend a compassionate hand. The first step should be to contact the person's own bank or another bank branch. To find out what banks are open and what services are available, see Exhibit G.

It's likely that even if you don't have a photo ID, that you'll be able to cash checks and take out a limited cash amount from other banks. But you may have to think creatively about proving who you are.

If you are currently displaced and living with a relative, bring them along to vouch for you. If you do have your ATM card, you'll be able to use any banks' machine to get cash without a penalty fee. Most banks in affected areas have waived their fees.

Banks are also increasing daily withdrawal limits and making it easier for people to open checking accounts without the usual documentation. Former Federal Trade Commissioner Mozelle Thompson said that banks play a key role in helping people re establish themselves since they have an extensive database.

For more information from the FDIC, see
<http://www.fdic.gov/news/katrina/katrinafaq.html> and
<http://www.fdic.gov/news/katrina/index.html>

12.3 Birth Certificates and Death Certificates

Certified copies can normally be obtained from the LOUISIANA VITAL RECORDS REGISTRY - OFFICE OF PUBLIC HEALTH – LOUISIANA DEPARTMENT OF HEALTH AND HOSPITALS. Unfortunately, the main office is located in New Orleans and not operating. However, there is a satellite office in Baton Rouge which is operating **for walk-ins only**. The office is located at 353 N. 12th Street and the hours of operation are 8:00 a.m. to 3:00 p.m. on weekdays. In addition to birth certificates, the office will be able to provide copies of death certificates. Their phone number is 225-342-1930. Their website is: <http://www.oph.dhh.state.la.us/recordsstatistics/vitalrecords/>

The Louisiana Department of Health and Hospitals <http://www.dhh.louisiana.gov/> is offering no-cost birth cards (small versions of birth certificates) to evacuees and their children. Birth cards can be obtained from parish health units in the following regions: East Baton Rouge, Lafayette, Lake Charles, Alexandria, Shreveport and Monroe. Also, clerk of court offices in Acadia, Allen, Ascension, Assumption, Bienville, Catahoula, Claiborne, East Baton Rouge, East Carroll, East Feliciana, Franklin, Grant, Jackson, Lafayette, Livingston, Madison, Morehouse, Natchitoches, Plaquemines, Richland, Sabine, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Tammany, Tensas, Terrebonne, Union, Vernon, Washington, Webster, West Carroll and West Feliciana parishes will offer no-cost birth cards.

12.4 Children's immunization records (Louisiana)

You can get information regarding your child's immunization records by contacting the local public health unit in the parish where the child lived. Go to: <http://www.oph.dhh.louisiana.gov/ophrefions/index.html>

12.5 Credit cards

If you find that your credit cards were lost or left behind, your best bet is to call the bank that issued the card and get a new one as soon as possible. Many issuers are bending the rules and waiving payments, late fees and over limit fees. With personal documents and credit cards floating around, Authorities are warning people in the Gulf Coast that they should be on guard against identity theft. One of the steps people can take is to put a fraud alert on their credit report. Call TransUnion: 800 680-7289, Equifax: 800 525-6285 or Experian: 888 397-3742.

12.6 Deeds and Mortgages

These records are maintained by the Clerk of Court for the parish where the property is located. If the deed or mortgage was filed for record, it will be accessible here.

12.7 Driver's License

Louisiana Department of Motor Vehicles asked all of its offices to be sympathetic to people who have to get photo identification. Remember that the DMV already has your photo in its databank. If you are a refugee in Louisiana, you'll be able to go to the DMV

office and get a new license free of charge before you leave. If you are outside Louisiana, you'll need to fill out an application and the DMV will retrieve your information and compare your signature electronically for verification. Michelle Rayburn of Louisiana's DMV says the turnaround should be about 72 hours. Go to www.expresslane.org or call 1-877-DMV-line (5463) for more information.

FOR EVACUEES LOCATED OUTSIDE OF LOUISIANA: Individuals currently licensed or having possessed a LA identification card can apply for a free reconstructed driver's license or ID card. An application is now available through OMV's website (www.expresslane.org) or can be faxed to the individual upon request (225) 925-4195 or 1-877-DMV-LINE (1-877-368-5463).

The application is to be completed to include the person's full name, date of birth, race, sex, social security number, a "mail to" address, and a telephone number, if possible. The application must be signed by the applicant as the signature comparison will be their "proof of identification". Commissioner Hodges says her office will make every effort to process and mail the driver's license or ID card within a 72 hour turnaround period.

TO FAX APPLICATION TO MOTOR VEHICLES: (225) 925-3901 or (225) 925-1937 or (225)925-6303.

12.8 Food Stamps, ATP Card and EBT Card

Special rules let the food stamp office help victims of a disaster. These rules allow USDA to let people get food stamps even if they do not qualify under normal rules. USDA can do this if:

- (1) The people were victims of a large flood, fire, hurricane, or other disaster;
- (2) The disaster closed or destroyed stores, or stopped the stores from getting supplies;
- (3) The people need food for a short time; and
- (4) Stores are now selling food again.

USDA does not have to use the same special rules in each disaster. USDA usually will only use these rules in areas that the governor has declared Disaster areas.

The food stamp office will replace the actual value of food destroyed in a disaster such as a flood if you are on food stamps. You must report to the food stamp office what happened within 10 days. It then will verify what happened by calling the Red Cross, the fire department, or someone else who knows about what happened, or by coming out to your home. The food stamp office can replace up to the maximum monthly food stamp allotment for your household size.

Sometimes the food stamp office will replace your food stamps or ATP (authorization to participate) card if they are lost or stolen or destroyed. The food stamp office may also replace your EBT access card and benefits if lost or stolen. You should tell the food stamp office what happened right away. You usually must report what happened (1) within ten days of when the food stamps or ATP were lost; and (2) during the month the food stamps were issued. If your ATP is stolen or destroyed, you must tell the food stamp office within ten days. If your EBT card is lost or stolen, you should tell the food stamp office right away. The food stamp office will cancel the card so no one else can access your benefits.

12.9 Immigration documents

If you are a permanent resident who needs to replace your (green) card, or conditional resident who needs to replace your two-year card that has been lost or destroyed, you may apply for a replacement card by filing a [USCIS Form I-90](#).

12.10 Insurance documents

Contact your insurance agency. Concerning flood insurance issued by the National Flood Insurance Program, see <http://www.floodsmart.gov/floodsmart/pages/index.jsp>

12.11 Louisiana Identification Card

These are issued by the Louisiana Dept of Motor Vehicles. Replacements should be obtainable in the same manner as driver's licenses [see Drivers License above].

12.12 Medicare/Medicaid cards

Go to the Social Security Administration office and request a replacement card <https://s044a90.ssa.gov/apps6a/IMRC/main.html>

12.13 Social Security cards and payments

If you depend on social security benefits, you will need to contact the Social Security Administration to verify your social security number. It's not always necessary to have your social security card with you to verify your identity. There's a form that people must fill out with their background information.

To get your social security check, go to the nearest office of the social security administration. To find those locations, call 800-772-1213. You'll be able to get emergency payments if necessary. **The Houston office is located at 3100 SMITH HOUSTON, TX 77006; Office Phone is (800) 772-1213 and TTY is (800) 325-0778.** For more information, log onto www.socialsecurity.gov/emergency or www.ssa.gov/replace_sscard.html

12.14 Passports

Passports may be obtained by calling 1-877-487-2778 or 1-888-874-7793 or through www.travel.state.gov/passport_1738.html.

12.15 Vehicle registration and ownership (title records)

Issued by the Louisiana Dept of Motor Vehicles. Replacements should be obtainable in the same manner as driver's licenses [see Drivers License above]. See also <http://www.dps.state.la.us/omvfaqs.nsf/7317dab6a217a12586256ec30067232f/dac5c910f439f46386256d89004eea20?OpenDocument>

12.16 Wills or other estate planning documents

If someone has lost their original will a copy can be submitted to probate showing that the original was lost and there was no intent to destroy. If there are no originals or copies now in existence then a new will should be executed. Under Louisiana law, if a person dies and his/her will cannot be found, the person is considered to have died intestate.

13.0 RESOURCE & REFERRAL GUIDE

At times, a referral to an attorney is not the best course of action. In your search for assistance, you may find that private community organizations or one or more local, state or federal agencies can help you. In addition to providing emergency information, this guide lists resources, community service organizations and government agencies with offices located in the areas where the people are being temporarily housed. It also includes the toll-free numbers for many state and federal agencies.

13.1 General Assistance/Helpful Numbers

Assistance Available for Storm Victims	
Family Locators	1-866-438-4636/ 1-800-THE LOST (843-5678) 225-342-8631 (Louisiana) www.Firstgov.com (missing and found children and loved ones) www.Nola.com (missing persons database) www.nokr.org (next of kin registry) www.katrinasafer.com
FEMA Disaster Assistance (provides up to \$26,000 per family)	1-800-621-3362/1-800-462-7585 Hearing/Speech Impaired: 1-800-462-7585 www.fema.gov (FEMA/Food & Shelter Vouchers)
Disaster Unemployment Assistance (DUA)	1-866-783-5567 www.workforcesecurity.doleta.gov/unemploy/disaster.asp www.ldol.state.la.us (Louisiana evacuees)
Military Assistance (Military Onesource) – any military members or families in need of counseling services or Red Cross Armed Forces Emergency Service Centers	1-800-342-9647 www.militaryonesource.com www.defenselink.mil
ABA Disaster Legal Services Hotlines	
ABA Young Lawyers Division/FEMA state-specific toll-free hotlines	www.abanet.org/katrina
Texas	1-800-504-7030
Alabama	1-800-354-6154
Louisiana	1-800-310-7029
Mississippi	1-866-255-4495

Information for International Evacuees	
Consulat General de France	337-291-5493
Consulat General du Canada	214-721-1833
Consulat General de Belgique	404-659-2150
Consulado General de México	713-271-6800
Consulado General de Guatemala	713-953-9531
Consulado General de El Salvador	713-270-6239
Consulado General de Costa Rica	713-266-0484
Consulado General de Honduras	713-667-4693
Consulado General de Nicaragua	713-789-2762
Consulado General de Panamá	713-417-8476
Other consulate information	337-291-5474
Insurance Information	
Louisiana Department of Insurance	800-259-5300 225-342-5900 (outside Louisiana) www.lidi.la.gov/HurricaneKatrina
Mississippi Department of Insurance	800-562-2957 601-359-2453 (outside Mississippi) www.doi.state.ms.us
Alabama Department of Insurance	800-433-3966 334-241-4141 (outside Alabama) www.aldoi.gov
Texas Department of Insurance	1-800-252-3439 www.tdi.state.tx.us
National Association of Insurance Commissioners	www.naic.org
Charitable organizations recommended by FEMA	
American Red Cross Disaster Donations	1-800-435-7669
Red Cross of New Orleans	225-295-0104/225-243-1889
Catholic Charities, USA	1-800-919-9338

United Methodist Committee On Relief	1-800-554-8583
Child Support Checks	
Alabama	1-800-951-1274 childsupportstorm@dhrr.state.al.us
Louisiana	1-800-256-4650 or lacsc@dss.state.la.us
Direct No. to Baton Rouge office	225-922-8100
Mississippi	1-866-388-2836
Social Security Checks	
General Information	1-800-772-1213 www.ssa.gov Hearing/Speech Impaired: 1-800-325-0778
Postal Service/Change of Address	
United States Postal Service (To change of addresses by phone or internet)	1-800-ASK-USPS (1-800-275-8777) www.usps.com
Emergency Housing	
Texas Department of Housing & Community Affairs (search low income housing by city or county)	512-475-3800 www.tdhca.state.tx.us
Disaster Housing Online	www.dhronline.org
Hurricane Housing.org Offer or find housing for evacuees. A project of moveon.org	www.hurricanehousing.org
Operation Share your home Requesting housing, offer your home or donate financial assistance.	1-888-827-2525 225-765-4568 www.shareyourhome.org
FEMA Disaster Assistance Emergency housing assistance and to inquire about being compensated for housing Katrina evacuees.	1-800-621-3362 www.fema.gov
State Bar of Texas	
Main Switchboard	1-800-204-2222] www.texasbar.com


Hurricane Katrina Hotline	1-800-504-7030
Statewide Lawyer Referral Service	1-800-252-9690/1-877-983-9227
Client Attorney Assistance Program	1-800-932-1900
State Attorneys General Offices	
Texas Attorney General	1-800-621-0508 www.oag.tx.state.us
Mississippi Attorney General	601-359-3680 or 1-800-281-4418 www.ago.state.ms.us
Louisiana Attorney General	1-800-351-4889 www.ag.state.la.us
Alabama Attorney General	1-800-392-5658 www.ago.state.al.us
Credit Bureaus	
Equifax	1-800-685-1111
Trans Union Credit	1-800-916-8800
Alcoholics Anonymous	
Houston Office	713-686-6300
Austin Office	512-444-0071
Dallas Office & Help Line	214-887-6699
San Antonio Office & Help Line	210-828-6235

13.2 Louisiana Helpful Numbers

Louisiana Shelter Information	
Local United Way Shelter Information	Dial 211
Red Cross	1-866-438-4636
Chez Hope, Inc.	337-923-4537/ 1-800-331-5303
Domestic Abuse Resistance Team of Lincoln	318-513-9373

Faith House, Inc.	337-267-9422
Metropolitan Battered Women's Program	504-837-5455
Safe Harbor Shelter for Battered Women	504-643-0496
Safety Net for Abused Person	337-367-7627
St. Bernard Battered Women's Program	504-278-7788
Turning Point Battered Women's Shelter	318-442-7196/ 1-800-960-9436
YMCA of Northwest Louisiana Family Violence Program	318-222-2117
Special Needs Shelter Information	
Alexandria	1-800-841-5778
Baton Rouge	1-800-349-1372
Houma/Thibodaux	1-800-228-9409
Lafayette	1-800-901-3210
Shreveport	1-800-841-5776
Monroe	1-866-280-7287
Slidell/Hammond	1-866-280-7724
Lake Charles	1-866-280-2711
LSU Fieldhouse	225-578-6728
Equine Shelter/Evacuation Site Information	
Pet Shelters LSU	1-800-928-5862
Locations for Animal Evacuation	
Alexandria (Large & Small)	318-442-4222 (All Vet Clinics will accept)
Louisiana Hotel Information	
General Toll-Free Number	1-800-99-GUMBO
Emergency Shelter Information Points	

Tourist Welcome Center	US 65 & 84, 1401 Carter St., Vidalia, LA
Tourist Welcome Center	TA Truck Stop, Tallulah Exit (HWY 65 & I-20)
Paragon Casino	711 Paragon Place, Marksville, LA
Sammy's Truck Stop	I-49, Exit 53, 3601 LA 115W, Bunkie, LA
Med Express Office	7525 US 71, Alexandria, LA
P.E. Gym/LSU	One University Place, Shreveport, LA
Pickering High School	180 Lebleu Road, Leesville, LA
Mowad Civic Center	5th & 10th Street, 1 Block off US 165, Oakdale, LA
Key Information/Services	
Missing Person (New Orleans)	225-925-6626, 7708, 7709, 3511 or 7412
Coast Guard Search & Rescue	1-800-323-7233
Search & Rescue	1-800 or 225-922-0325, 0012, 0286
Missing Person (Mississippi only)	601-987-1430
DHH Triage Line	1-800-349-1373
N.O. Babies & Patients (Evacuees)	225-924-8380
Road Conditions	1-800-994-8626/ www.lsp.org
Emergency Animal	225-578-6111
East Baton Rouge Info	225-389-2100
Volunteer Hotline	211 (LA)
LSU Health Care Workers Volunteers	225-219-0823
Price Gouging	1-800-488-2770
Metro Flight Info	225-355-0333
NO Airport Info	504-464-0831
Emergency Responses & Recovery	225-922-0325, 0332, 0333, 0334, 0335, 0340, 0341

To Report Road Closures	1-800-469-4828
To Register Kids for School	1-877-453-2721 or 225-226-3762
Louisiana Dept. of Social Services	225-922-3000, 225-219-1500, 225-342-9111, 225-342-0495
Related Parishes (To obtain Birth/Death Certificate)	
Ascension Parish	225-621-8360
E Baton Rouge	225-389-2100
Lafourche Parish	985-537-7603
Livingston Parish	225-686-3066
Orleans Parish	504-415-1158
St. Bernard Parish	504-278-4267
St. Charles Parish	985-783-5050
St. John Parish	985-652-2222
Tangipahoa Parish	985-748-3211
Terrebonne Parish	985-873-6357
Legal Services in Louisiana	
Law Help Directory of Free Legal Services	www.lawhelp.org/la
 <p>American Red Cross Family Links Registry Find friends and family 1-877-LOVED-1s</p> <p>Louisiana State Bar Association Temporary offices in Lafayette, Louisiana: P.O. Drawer 52828 Lafayette, LA 70505</p> <p>LSBA Legal Assistance Hotline</p>	<p>phone: 337-272-0356 fax: 337-233-9450 www.lsba.org LouisianaBar@yahoo.com</p> <p>800-310-7029</p>
Acadiana Legal Services Corporation	337-237-4320/ 1-800-256-1175
Association of Community Organization for Reform Now (Acorn)	504-943-0044 Ext. 116
Advocacy Center for the Elderly & Disabled	504-522-2337/ 1-800-960-7705

AIDSLaw of Louisiana Inc.	504-568-1631/ 1-800-375-5035
Baton Rouge Bar	225-344-4803 www.brba.org
Baton Rouge Bar Foundation Pro Bono	225-344-4803
Capital Area Legal Services Corporation	225-387-5173/ 1-800-256-1900
Central Louisiana Pro Bono Project, Inc.	318-449-9778
Domestic Violence Legal Advocacy Program	337-239-4457
Farmworkers Legal Assistance Project	318-237-4320/ 1-800-256-1175
Lafayette Volunteer Lawyers	337-237-4700
Legal Aid Bureau	504-488-1548
Legal Services of Central Louisiana	318-253-6618/ 1-800-256-4343
Legal Services of North Louisiana (Shreveport)	318-222-7186/ 1-800-826-9265
Legal Services of North Louisiana (Monroe)	318-699-0889/ 1-800-259-6591
Legal Services of North Louisiana (Natchitoches)	318-352-7220/ 1-800-960-9109
Louisiana Coalition Against Domestic Violence	225-752-1296/ 1-888-411-1333
Loyola Law School Clinic	504-861-5590
Mental Health Advocacy Service (Baton Rouge)	225-342-6678/ 1-800-428-5432
Mental Health Advocacy Service (New Orleans)	504-568-8678
New Orleans Legal Assistance	504-529-1000
North Louisiana Legal Assistance	318-323-8851/ 1-800-256-1262
Shreveport Bar Association Pro Bono Project	318-221-6283
Southeast Louisiana Legal Services	985-345-2130/ 1-800-349-0886
Southwest Louisiana Legal Services Society	337-436-3308/ 1-800-256-1955
The Pro Bono Project	504-581-4043

Tulane Law School Clinic	504-865-5153
Volunteer Lawyer Project	318-325-3558
Louisiana Helpful Websites	
Official state website for information on Katrina disaster www.katrina.louisiana.gov	Louisiana State Bar Association www.lsba.org/home/lsbahome.asp
Legal Information Resource www.lawhelp.org/LA/index.cfm/	Federal Government Disaster Site www.disasterhelp.gov/portal/jhtml/index.jhtml
Louisiana Attorney General www.ag.state.la.us/consumerpubs.aspx	Louisiana Department of Insurance www.ldi.state.la.us/
Louisiana Office of Student Financial Assistance www.osfa.state.la.us/	Louisiana Recovery Information www.sos.louisiana.gov/recovery

13.3 Legal Services in Texas

Legal Services in Texas	
Advocacy, Inc.	1-800-252-9108 www.advocacyinc.org
Aid to Victims of Domestic Violence	713-224-9911
American Civil Liberties Union (Houston)	713-942-8146
American Civil Liberties Union (Austin)	512-478-7309
Family Violence Legal Hotline	1-800-374-4673
Legal Services Corporation	
Legal Aid of NorthWest Texas 2212 Arlington Downs Road Arlington Downs Centre, St 102 Arlington, Texas, 76011	1-800-955-3959 www.lanwt.org
Texas Rural Legal Aid Inc. 300 South Texas Boulevard Weslaco, TX 78596	1-800-369-0574 www.trla.org
Lone Star Legal Aid 414 East Pillar Street P.O. Box 631070 Nacogdoches, TX 75963-1070	1-800-354-1889 www.lonestarlegal.org
Houston Office	1-800-733-8394, 713-652-0077, 713-652-5911

Beaumont Office	1-800-365-1861/ 409-835-4971
Texarkana Office	1-800-568-3857
State Bar of Texas	
Hurricane Katrina Hotline	1-800-504-7030 www.texasbar.com
Main Switchboard	1-800-204-2222
Statewide Lawyer Referral Service	1-800-252-9690/1-877-983-9227
Client Attorney Assistance Program	1-800-932-1900
Bexar County	
San Antonio Bar Association	210-227-1853 www.sanantoniobar.org
San Antonio Young Lawyers Association	www.sayla.org
Collin County	
Plano Bar Association	972-424-6113 www.planobar.com
Dallas County	
Dallas Bar Association	214-220-7444 www.dba.com
Dallas Young Lawyers Association	214-969-7675 www.dayl.com
Dallas Criminal Defense Lawyers Association	214-747-0986 www.dcdla.org
North Dallas Bar Association	972-980-0472
El Paso County	
El Paso County Bar Association	915-532-7052 www.elpasocountybar.org
Harris County	

Houston Bar Association	713-224-4864 www.hba.org
Houston Young Lawyers Association	713-224-4952 www.hyla.org
Houston Bar Lawyer Referral Service Low Fee Panel	713-237-9429/1-800-289-4577 713-755-8274
Harris County Criminal Lawyers Association	713-227-2404 www.hccla.org
Dispute Resolution Center/Neighborhood Justice Center	713-755-8274
Harris County Domestic Relations	713-755-6757
Harris County DA's Office/Consumer Fraud	713-755-5836
Family Violence Unit	713-755-7114
General Intake and Information	713-755-5800
Community Services Complaints	713-755-7114
South Texas College of Law Legal Clinic	713-652-0009
Southwest Texas Legal Clinic (HIV clients only)	713-523-7852
University of Houston Legal Aid Clinic	713-743-2094
Jefferson County	
Jefferson County Bar Association	409-835-8438 www.jcba.org
Nueces County	
Corpus Christi Bar Association	361-883-3971 www.ccbar.com
Tarrant County	
Tarrant County Bar Association	817-336-4101 www.tarrantbar.org
Arlington Bar Association	1-800-252-9690
Texas Legal Services-Elderly Issues	1-800-622-2520
Texas Rural Legal Aid, Inc.	1-800-369-0574
Travis County	

Austin Bar Association	512-472-8303 www.austinbar.org
Attorney Referral Line	1-800-252-9690
West Texas Legal Services, Inc.	1-800-955-3959
Texas Attorney General	
Main Agency Switchboard	512-463-2100 www.oag.state.tx.us
Consumer complaint hotline for price-gouging complaints	1-800-252-8011
Public Information & Assistance	1-800-252-8011 or 512-475-4413
Consumer protection hotline	1-800-621-0508
Child Support (to apply for services)	1-800-252-8014
Government Agencies & Services	
Equal Employment Opportunity Commission	
Main Contact Information	1-800-669-4000 Hearing Impaired: 1-800-669-6820 info@ask.eeoc.gov (include zip code and/or city and state so that your email will be sent to the appropriate office) www.eeoc.gov
Houston Office	713-209-3320, 3377
Dallas Office	214-253-2700
San Antonio Office	210-281-7600
El Paso Office	915-534-6700
Other Federal Agencies & Resources	
U.S. Government's Official Web Portal with links to many agencies and programs.	www.firstgov.gov
Federal Citizen Information Center	1-800-688-9889

Internal Revenue Service	1-800-829-3676 (Forms) 1-800-829-4477 (Returns)
U.S. Department of Housing and Urban Development (HUD)	1-800-347-3735
Social Security Administration	1-800-772-1213 www.ssa.gov Hearing/Speech Impaired: 1-800-325-0778
Department of Education Hotline	1-877-453-2721
U.S. Department of Health & Human Services (Medicaid & Medicare)	1-877-267-2323 (Hearing Impaired: 1-866-226-1819) www.cms.hhs.gov/katrina/
Texas State Offices	
Texas Rehabilitation Commission	1-800-628-5155 www.rehab.state.tx.us
Texas Department of Mental Health	1-512-454-3761 www.mhmr.state.tx.us
Texas Department of Human Services	1-800-252-8016 www.dhs.state.tx.us
Texas Department of Housing & Community Affairs	512-475-3800 www.tdhca.state.tx.us
Department of Licensing & Regulation	1-800-803-9202
Department of Public Safety	512-424-2000
DPS Driver License Customer Service	512-424-2600
Workers' Compensation Commission	1-800-372-7713
Texas Department of Education	1-800-957-5109
Texas Department on Aging	1-800-252-9240

13.4 Houston Area Helpful Numbers

Houston Area Helpful Numbers	
NAACP-Houston	713-526-3389
Houston City Hall	713-247-1000

Department of Health & Human Services	713-794-9320
Housing Authority	713-260-0500
Automobile Registration (Harris County)	713-957-7800
County Clerk	713-224-1919
Child Support Info Center	713-755-6405
Friend of the Court Program	713-755-6077
Department of Education	713-755-6757
District Clerk	713-694-6300
County Offices (Main Switchboard)	713-755-5711
Marriage License	713-755-5000
Probate Clerk's Office	713-755-6405
Social Services Department	713-755-6425
Hearing Impaired Tax Assessor & Collector	713-696-7900
Veteran's Service	713-695-2395, 224-1919, 755-5243
Department of Mental Health & Mental Retardation	713-970-7000
Texas Department of Insurance	713-982-7400
Texas Workforce Commission (Houston Office)	1-800-252-9600
Texas Rehabilitation Commission	1-800-252-7009
Texas Workers Compensation Commission	713-794-7785/ 713-943-0800
Texas Workers Compensation Health & Safety Hotline	1-800-832-2829
Texas Veteran's Commission	713-794-7785
WorkSource	713-982-7400
Federal Courts	713-250-5500
Municipal Courts	713-247-1000

Small Claims Courts	713-755-5125
City Jails	713-247-5400
County Jails (Harris County Sheriff)	713-755-5300
Jury Summons Info	713-755-6392
Texas Department of Criminal Justice	713-957-5700
Probation Info/Bilingual	713-755-2100
Probation Info/Adults & Juveniles	713-512-4100
Traffic Ticket Info/Municipal Courts	713-247-5100
Bankruptcy Court, Southern District of Texas	713-250-5115
Better Business Bureau	713-868-9500
Consumer Credit Counseling Service	713-923-2227
Insurance Consumer Line	1-800-252-3439
Motor Vehicle Info/Bilingual	1-800-622-8682
National Association of the Remolding Industry-Houston Chapter	713-621-6274
Texas Economic Development Agency	1-800-888-0511
U.S. Consumer Product Safety Commission/Bilingual	1-800-638-8270
Immigration Services	
Associated Catholic Charities	713-874-6570
Gano Carecen	713-665-1284
Casa Juan Diego	713-869-7376
Central American Refugee Center	713-665-1284
Immigration Counseling Center	713-953-0047
Department of Homeland Security	
Administration	281-774-4611

Investigation	281-774-4900
Asylum	281-774-4830
Deportation	281-774-4816
Family, Women and Youth Services	
Al-Anon	713-683-7227
Association for the Advancement of Mexican-American, Inc.	713-926-9491
Avance' Family Support & Education Program	713-812-0033
Big Brother & Sisters of Greater Houston	713-271-5683
Casa de Esperanza/Bilingual	713-529-0639
Chicano Family Center/Bilingual	713-923-2316
Child Advocates, Inc.	713-529-1396
Children Cope	713-952-2673
Children Assessment Center	713-986-3300
Children's Protective Services	713-394-4000
Chimney Rock Center	713-664-5701
Covenant House	713-523-2231
DePelchin Children's Center	713-730-2335
Escape Family Resource Center	713-942-9500
Family Life Ministry	281-486-8827
Family Service Centers	713-861-4849
Family Time Crisis Hotline	281-446-2615
Healthy Family Initiative	713-270-8849
Jewish Community Center	713-729-3200
Jewish Family Service	713-667-9336

Justice for Children	713-225-4357
Learning Support Center at Texas Children's Hospital	832-822-3700
Northwest Assistance Ministries	281-583-5600
Aids to Victims of Domestic Abuse	713-224-9911
Shape Community Center	713-521-0641
University of Texas Psychiatric Services	713-500-2666
University of Houston-Parent Education Project	713-743-5435
University of Houston-Victim's Resource Institute	713-743-8614
Victim's Assistance Center	713-755-5625
Victim's Services Hotline	1-800-848-4284
Women's Hospital of Texas Education Department	713-791-7495
Bay Area Women's Center	281-422-2292
Baytown Area Women's Center	281-422-2292
The Bridge Crisis Center	713-473-2801
Brazoria County Women's Center	979-849-9553
Fort Bend County Women's Center	281-342-4357
Houston Area Women's Center	713-528-6798
Montgomery County Women's Center	281-292-4338
Senior Services	
Alzheimer's Association-Houston and Southeast Texas Chapter	713-266-6400
AARP	1-800-424-2277
AARP-Elderly Care Locator	1-800-677-1116
AARP-Tax Aid	1-888-227-7669
American Bar Association (ABA)-Alabama	1-800-354-6154

ABA-Louisiana	1-800-310-7029
ABA-Mississippi	1-866-255-4495
American Cancer Society	1-800-227-2345
American Diabetes Association	1-800-232-3472
American Heart Association	1-800-242-8781
Houston/Harris County Area Agency on Aging	713-794-9001
Interfaith Ministries	713-533-4900
Legal Hotline for Older Texans	1-800-622-2520
New Lifestyles	1-800-869-9549
Salvation Army-Family Shelter	713-650-6530
Salvation Army-Social Services	713-752-0686
Senior Guidance Program of the Houston Junior Forum	713-529-9991
West University Senior Services	713-662-5895
Sheltering Arms	713-956-1888
Emergency and Crisis Intervention Services	
Crime Stoppers	713-222-TIPS
Additional Assistance	
Certified Public Accountant Referral	713-622-7733
Chamber of Commerce, Greater Houston Partnership	713-844-3600
Greater Houston Fair Housing Center Bilingual Intake for housing discrimination matter	713-641-3247
Harris Country Medical Society	713-524-4267
Houston Apartment Association	281-933-2224
Houston Association of Realtors	713-629-1900
Univision, Un Su Defensa, Spanish TV Station	713-390-5956

Library Houston public reference desk	713-236-1313
Harris County Law Library	713-755-5183
Landlord/Tenant Issues, City of Houston	713-868-8461
Public Defenders	713-718-4600
Copies of State & Federal Laws www.capitol.state.tx.us	512-463-1722
Tax Assessor & Collector	713-224-1919

13.5 Beaumont Area Helpful Numbers

Beaumont Area Helpful Numbers	
US Social Security Admin	409-839-2613
American Red Cross	409-832-1644
Beaumont Community Housing Development Organization	409-813-2158
Buckner Children & Family Services	409-866-0976
Catholic Charities	409-835-7118
Communities In Schools, Southeast Texas, Inc.	409-832-1146
Family Services of Southwest Texas	409-833-2668
Goodwill Industries of Southeast Texas, Inc.	409-838-9911
Junior League of Beaumont	409-832-0873
Nutrition & Services for Seniors	409-892-4455
Some Other Place	409-832-7976
The Salvation Army	409-896-2361
United Way of Beaumont and North Jefferson County	409-835-4575
Beaumont Convention & Visitors Bureau	409-880-3749
SE Texas Food Bank	409-839-8777

Blood and Plasma Research, Inc.	409-835-7268
LifeShare Blood Centers	409-838-5289

13.6 Fort Worth Area Helpful Numbers

Ft. Worth Area Helpful Numbers	
American Red Cross	817-335-9137
ZLB Plasma Services	817-534-6825
Carter Blood Care	817-412-5000
Carter Blood Care	800-366-2834
Tarrant Area Food Bank	800-366-2834
Shelter Locations	
Wilkerson Greines Athletic Complex	5201 C.A Robertson Blvd. I-20 & Wichita
Heights Community Center	3551 New York Ave. 817-871-8722 (at capacity)
The Resource Connection	1100 Circle Drive 817-531-7600
Salvation Army	1555 S. Cherry Ln. (building behind Luby's) 817-344-1800
Human Resources Department	817-392-7750
Public Health Center	817-871-7200

13.7 San Antonio Area Helpful Numbers

San Antonio Area Helpful Numbers	
Airport-International Airport, Aviation Dept.	210-207-3411
Al-Anon & Alateen	210-829-1392
Alcoholics Anonymous	210-828-6235
Narcotics Anonymous	210-434-0665
United Way Help Line	210-227-4357

Ambulance Service-City of San Antonio (non-emergency)	210-207-7744
American Red Cross	210-224-5151
Humane Society of San Antonio	210-226-7461
SPCA	210-226-7461
Assn. for Retarded Citizens	210-490-4300
Attorney Referral Service-S.A. Bar Assn.	210-227-1853
Bexar County District Attorney	210-335-2311
Battered Women's Shelter	210-930-3669
Better Business Bureau	210-828-9441
Big Brothers/Big Sisters (Alamo Area)	210-225-6322
Birth & Death Registry- Copies	210-207-8754
Bus - VIA Metropolitan Transit Info	210-362-2020
Child Advocates of S.A.	210-270-4575
Child Protective Services	210-532-2873
Child Support	800-252-8014
Housing Authority	210-220-3200
Mayor's Office	210-207-7060
Municipal Courts	210-207-8970
Consumer Protection Div.-Attorney General's Office	210-224-1007
County Court House(Bexar County)	210-335-2011
Courts (Municipal Courts Info)	210-207-8970
Dispute Resolution Center (Bexar County)	210-335-2128
Domestic Violence Support	210-930-3669
FBI	210-225-6741

Fire Department (non- emergency)	210-207-7744
Brady Blvd. Office	210-212-6986
Center St. Office	210-820-3891
Fort Sam Houston National Cemetery	210-820-3891
Garbage & Trash Collection	call 311
Gay & Lesbian Community Center	210-732-4300
HELP Line (referrals, counseling)	210-227-4357
Immigration & Naturalization Services (INS)	210-871-7065
Visitation Info- Bexar County Jail	210-270-6400
Jail/Inmate Info-Bexar County Jail	210-335-2667
Jury- Bexar County Central Jury Room	210-335-2667
Police Department- City of San Antonio (non-emergency)	210-227-7201
DEA	210-525-2900
Bureau of Alcohol, Tobacco & Firearms	210-805-2727
Sheriff's Office for Bexar County	210-270-6000
Texas Highway Patrol	210-531-2200
Texas Rangers	210-532-2923
U.S Marshal	210-472-6540/6646
Legal Aid	210-227-0111
Library- Main Library	210-207-2500
Marriage License	210-335-2221
Motor Vehicle Registration/Title	210-335-6627
Medicaid Info	210-337-3550
MediCare Info/Eligibility	1-800-772-1213

Mental Illness-24 Hour Crisis Line	210-226-9241
San Antonio-Military Installations	
Brooks AFB	210-536-1110
Ft. Sam Houston	210-221-1211
Kelly AFB	210-925-1110
Lackland AFB	210-671-1110
Randolph AFB	210-652-1110
National Guard-149th Tactical Fighter Group	210-977-5825
National Guard-Texas Army National Guard	210-221-0524/227-7351
San Antonio Newspaper	
San Antonio Express	210-250-2000
San Antonio Police Department	
Crime Stoppers	210-207-7867
DARE	210-207-7784
Gang Hotline	210-224-4264
Runaway Program/Youth Bureau	210-207-7348
Victims Advocacy Section	210-207-2141
San Antonio Post Office	
Post Office	210-368-8300
San Antonio Probation	
Adult	210-335-7200
Juvenile	210-531-1000
Seniors' Resources	
Alzheimer's Day Care	210-735-5115

Christian Senior Services	210-735-5115
Jewish Family Services	210-349-5481
Legal Awareness/Benefits Counseling	210-362-5200
Legal Hotline for Older Texans	1-800-622-2520
Meals on Wheels	210-735-5115
Retired Senior Volunteer Program	210-222-0301
Senior Community Services	210-227-3146
Visiting Nurse Association	210-804-5200
San Antonio Shelters/ Assistance	
American Red Cross	210-337-3663
Baptist Children's Home	210-674-3010
Boysville	210-659-1901
Catholic Charities	210-734-5054
Children's Shelter of San Antonio	210-223-6281
Department of Human Services	210-655-8760
Food Bank	210-337-3663
Income Assistance Services	210-212-6986
Presa Community Service Center	210-532-5295
Salvation Army	210-352-2000
Salvation Army (Men Only)	210-226-2291
Salvation Army Hope Center	210-352-2020
San Antonio Food Bank	210-337-3663
San Antonio Metropolitan Ministries	210-224-5838
San Antonio Rescue Mission (Men)	210-225-9082

Seton House	210-533-3504
St. Peter-St. Joseph Children's Home	210-533-1203
Bexar County Tax Office	210-335-6628
State Comptroller of Public Accounts	210-616-0067
Tax Information (24 Hours)	210-207-8680
United Help Line	210-227-4357
WOAI Help Desk	210-226-9994
San Antonio Telephone Service	
Southwestern Bell	1-800-464-7928
San Antonio-Texas Workforce Commission	
Unemployment Insurance Info	210-227-7939
Unemployment Claims	1-800-939-6631
Workforce Programs	210-619-2945
Job Search Seminar	210-619-8064
San Antonio Transportation	
VIA Metropolitan Transit	210-362-2000
VIA Route/Schedule Info	210-362-2020
VIAtrans	210-362-2140
VIA (Reservation & Cancellations)	210-362-5050
San Antonio Utilities	
City Public Service (Electric)	210-353-3279
Gas or Electric Problems	210-353-4357
New Construction	210-353-3333
San Antonio Water/Sewer System	210-704-7297

Water/Sewer Problems	210-704-1205
Underground Gas/Electric Line Location	210-978-3373
Additional Assistance	
San Antonio United Way	210-362-5050
Voter Info	210-335-0362
Welfare	210-655-8760
Runaway National Hotline	1-800-621-4000
San Antonio Website Assistance	
Bexar County	www.co.bexar.org
San Antonio Bar Association	www.sanantoniobar.org
Social Security Information for People Affected by Hurricane Katrina	www.ssa.gov/emergency

13.8 **Austin Area Helpful Numbers**

Austin Helpful Numbers	
American Red Cross	928-4271
City of Austin	974-1110
Attorney General's Office	463-2191
Automobile Registration	854-9473
Birth or Death Certificates	458-7111
Cancer Support	800-227-2345
Central Booking	854-9889
Child support or visitation	854-9696
Child Support Services	1-800-252-8014
Child Care Assistance	974-1110

Court Administrator-Civil	854-9096
Court Administrator-Criminal	854-9244
Court Ordered Counseling & Assessment	854-9540
Crime Victim's Assistance	854-9709
Divorce Filings	854-9457
Drivers License Renewal	936-2100
Drug Court/S.H.O.R.T Program	854-4646
Elections and Voting	854-9188
Foreclosures, Tax	854-9473
Hot Checks	854-9574
Identity Theft	1-877-438-4338
Travis County Records and Law Library	854-9045
Jail, County Jail Information Center	854-9033
Employment Assistance	
General Workforce Development	www.ci.austin.tx.us/health/ms_workfc.htm
Austin Day Labor Center	453-3776
Austin Human Resources Management	854-9165
WorkSource Career Center	597-7237
Texas Workforce Commission	381-4200 www.twc.state.tx.us/
Hurricane Hotlines (To apply for Disaster unemployment assistance)	1-800-818-7811
Federal Assistance	
Texas Department of Health and Human Services	1-888-312-4567
Social Security	916-5404
Veteran Affairs	1-800-827-1000

WIC (food stamps)	1-800-942-3678
Police Department	
City of Austin	974-5000
School Registration	
Austin Independent School District (AISD)	414-0760
AISD's Student Services Office	414-1726
AISD's Student Health Services	414-6171
Texas Education Agency Katrina Hotline	1-800-957-5109
University of Texas Response to Hurricane Katrina	232-3305
Pet Assistance	
Austin Humane Society	646-7387
Petfinder Katrina Pet Rescue	225-925-3980
North Shore Animal League Katrina Pet Rescue	1-877-472-8373
Voter Info	
Registration	854-9473
Voting/Elections	854-9188
Additional Assistance	
Municipal Court	974-4800
Name Change	854-9457
Notary Public	854-9000
Personal Bond	854-9381
Pretrial Services	854-9381
Protective Orders	854-9415
SACA (Substance Abuse Counseling & Assessment)	854-9540

Sheriff's Administrative Offices	854-9770
State Law Library	463-1722
Traffic tickets/citations (Issued by Sheriff's officers)	854-9049
Traffic tickets/citations (Issued by Austin Police)	433-4800
Victims/Witness Services	854-9415

13.9 Dallas Area Helpful Numbers

Dallas Helpful Numbers	
American Red Cross	214-678-4800
American Red Cross/Locate People Lists	1-877-568-3317
City of Dallas Office of Emergency Management	214-670-4275
Community Council of Greater Dallas	1-888-312-4567
Salvation Army of Greater Dallas	214-424-7000
Disaster Assistance for Small Business (FEMA Processing Service Center)	940-898-5399
Public Library	
Dallas Public Library	214-670-1400
School Registration	
Dallas Independent School District	972-925-5555
Public Transportation	
Dallas Area Rapid Transit	214-979-1111
Pet Assistance	
SPCA of Texas Dallas (SPCA Headquarters) 362 S. Industrial Blvd. Dallas, TX 75207	972-562-7297 Ext. 123 www.sPCA.org

13.10 Killeen Area Helpful Numbers

Killeen Area Helpful Numbers	
Killeen Community Center (Shelter for evacuees)	2201 E. Veterans Memorial Blvd.
Killeen Additional Assistance	
Volunteers	501-7878
Meals	699-1717
Money	501-7730

13.11 Texarkana Area Helpful Numbers

Texarkana Helpful Numbers	
American Red Cross	903-793-5602
Salvation Army	870-774-2701
United Way	903-794-3105
Southwest Center	903-223-3298
Hospitals	
Christus Saint Michael	903-614-1000
Wadley Regional Medical Center	903-798-8000
The Greater Texarkana People's Clinic	903-255-0220
Medical Prescription Assistance	
American Red Cross (Working with The People's Clinic and AHEC)	903-793-5602
Samaritan Charities	903-793-0011
School Registration	
Texarkana ISD	903-793-7561
Liberty Eylau ISD	903-832-1535

Pleasant Grove ISD	903-831-4295
Genoa Central	870-653-2272
Fouke School	870-653-7823
Redwater School	903-671-3481
Texas A&M	903-223-3068
Texarkana College	903-838-4541
Senior Services	
Christian Care Center	903-838-9526
The Escort Program	870-773-8811
Employment Assistance	
Northeast Texas Workforce Center	903-794-4163
Work in Texas	
Additional Assistance	
Department of Human Services	903-791-6400
Golden Years Day Care Center	903-838-2567
Save Our Nation Retreat	903-826-9684

Letter of Understanding

As a result of the tragedy of Hurricane Katrina, the lives of thousands of residents in the Gulf Coast areas affected by the storm have been changed forever.

Included among these victims are the persons identified below as the "Guests".

In response to this emergency, the "Donor" (identified below) has offered to make available currently unoccupied housing to the Guests (the "Premises"). This offer is extended out of the humanitarian and charitable intentions of the Donor.

The Donor and Guests recognize that this is an extraordinary and unprecedented situation. In entering into this relationship, the goodwill and good conduct of both the Donor and Guests will be essential in minimizing any misunderstandings between them.

Therefore, the Donor and Guests wish to outline in this Letter certain basic understandings and principles of conduct between them.

1. The Donor and Guests each promise:

- To respect the property, privacy, and personal lives of the other.
- To behave in a manner supportive and respectful of the needs, beliefs and circumstances of the other.
- To assume that this offer of the free use of the Premises by the Guests shall continue for a period of ____ days from the date of this Letter. The length of time may be extended at the sole discretion of the Donor. However, the Guest understands that this is currently only a promise of free housing for ____ days.
- The Donor will be responsible for all the costs associated with the use of the Premises unless checked below, which shall mean that such costs are to be paid by the Guests:

_____ utilities	_____ cable
_____ telephone	_____ insurance
_____ homeowner association fees	_____ property taxes
_____ trash removal	_____ (other)

2. The Guests promise and understand:

- That they will take good care of the Premises. The Guests will behave and maintain the Premises with the same standard of care as if it was their own home.

- The Guests understand that the Donor is offering the use of the Premises only. The Donor is not promising to provide food, transportation or other assistance. While the Donor may choose to provide such additional assistance, it is only the promise for the use of the Premises that is committed to by this Letter of Understanding.
- The Guests understand that the Donor is providing the Premises “as is” and is not responsible for any condition or occurrence that could result in damages or injury to the Guests.
- The Guests promise to behave in a lawful manner at all times while living at the Premises and consistent with the understandings of this Letter. The Guests give the Donor permission to have performed background and criminal checks on the Guests if the Donor so chooses. Similarly, the Donor gives the Guests permission to have performed background and criminal checks on the Donor if the Guests so choose. If in the sole discretion of the Donor, the Guests do not behave in accordance with the promises of this Letter, the Guests may be asked to leave the Premises by the Donor. If a Guest is asked to leave by the Donor for this, or for any other reason, the Guests promise to vacate the Premises peacefully within 48 hours.

3. The Donor and Guests acknowledged that they were introduced to each other through charitable efforts of the Hurricane Katrina Shelter Matching Program sponsored by the Houston Area Urban League, the Houston Association of Realtors, the Houston Bar Association, the Houston Young Lawyers Association and Channel 2 TV (collectively the “Facilitators”). The Donor and Guests appreciate the efforts of the Facilitators and release them from any and all responsibility, liability or claim, known or unknown, of any kind or nature, that may arise now or in the future, by either the Donor or the Guests.

Signed this ____ day of _____, 2005.

The Guests:

(including all adults to occupy the Premises)

Signature: _____

Printed Name: _____

Social Security: _____

Date of Birth: _____

Signature: _____

Printed Name: _____

Social Security: _____

Date of Birth: _____

The Donor:

Signature: _____

Printed Name: _____

Social Security: _____

Date of Birth: _____

TITLE 37
INSURANCE
PART XI CHAPTER 27: EMERGENCY RULE 15
or
DIRECTIVE 185
Version 8 – 6 September 2005 at 1430 - WEB

**SUSPENSION OF CERTAIN STATUTES AND REGULATIONS
REGARDING CANCELLATIONS, NON-RENEWALS,
REINSTATEMENTS, PREMIUM PAYMENTS, CLAIM FILINGS
AND RELATED PROVISIONS REGARDING
ANY AND ALL INSURANCE MATTERS AFFECTING INSURED IN
LOUISIANA CAUSED BY HURRICANE KATRINA**

TO: All Insurers, HMOs, Premium Finance Companies, Surplus Lines and other entities doing business in Louisiana and/or regulated by the Commissioner of Insurance and the Louisiana Department of Insurance

Emergency Rule 15 is issued pursuant to the plenary authority of the Commissioner of Insurance for the State of Louisiana, including, but not limited to, the following: Proclamation No. 48 KBB 2005 issued on August 26, 2005 by Governor Kathleen Babineaux Blanco declaring a State of Emergency; Executive Order No. __ KBB 2005 issued September __, 2005 by Governor Kathleen Babineaux Blanco transferring authority over any and all insurance matters to Commissioner of Insurance J. Robert Wooley; LSA R.S. 29:724; LSA R.S. 29:766; LSA R.S. 22:2; LSA R.S. 22:3; LSA R.S. 22:1214.(7), (12) and (14); LSA R.S. 49:950 et seq.

On August 26, 2005, Governor Kathleen Babineaux Blanco declared the existence of a State of Emergency within the state of Louisiana caused by Hurricane Katrina. This State of Emergency extends from Friday, August 26, 2005 through Sunday, September 25, 2005.

Thousands of Louisiana citizens have suffered damages due to Hurricane Katrina. In some places, it could be months before electricity is restored. The homes of many citizens were destroyed precluding habitation and the delivery of mail. This disruption has affected the ability of these citizens to pay their insurance premiums, access their insurance policies, and communicate with insurance agents and their respective insurance companies for insurance related matters. Hurricane Katrina has created a mass disruption to the normalcy previously enjoyed by Louisianans and produced an immediate threat to the public health, safety, and welfare of Louisiana citizens.

The Commissioner and the Louisiana Department of Insurance will be hindered in the proper performance of the duties and responsibilities regarding this State of Emergency without the authority to suspend certain statutes in the Louisiana Insurance Code and the rules and regulations that implement the Louisiana Insurance Code including, but not limited to, cancellation, nonrenewal, reinstatement, premium payment and claim filings with regard to any and all types of insurance subject to the Louisiana Insurance Code.

In light of this, I hereby issue Emergency Rule 15 to all insurers, HMOs, premium finance companies, surplus lines insurers and other entities doing business in Louisiana and/or regulated by the Commissioner of Insurance and the Louisiana Department of Insurance regarding any and all types of insurance, including, but not limited to, flood insurance, homeowners insurance, life insurance, health and accident insurance, limited benefit insurance, vehicle insurance, liability insurance, workers' compensation insurance, burglary and forgery insurance, glass insurance, fidelity and surety insurance, title insurance, fire and extended coverage insurance, steam boiler and sprinkler leakage insurance, crop and livestock insurance, marine and transportation insurance, credit life, health and accident insurance, credit property and casualty insurance, annuity insurance, HMOs, property and casualty insurance, all surplus lines insurance, reciprocal insurance, reinsurance, and all insurance premium finance companies licensed in Louisiana.

Emergency Rule 15 is applicable to seven (7) of the thirty-one (31) parishes eligible for the Individual Assistance Program administered by the Federal Emergency Management Agency (FEMA) pursuant to FEMA's disaster declaration issued on August 29, 2005. **Specifically, the seven (7) parishes subject to Emergency Rule 15 are Jefferson, Orleans, Plaquemines, St. Bernard, St. Tammany, Tangipahoa, and Washington.**

In the ordinary course of business, insurers, HMOs, premium finance companies, surplus lines insurers and other entities send notices to insureds, many of which are required by statute, giving the insured certain limited periods of time within which to pay premiums or otherwise respond. Hurricane Katrina has produced a disruption in the notification process because of the inability of insureds to receive mail due to mandatory evacuations and/or the destruction of their homes. Thus, many of Hurricane Katrina's victims are currently unable to timely act or respond to such notices and need additional time within which to act or respond. Some insurers, HMOs, premium finance companies, surplus lines insurers and other entities may cancel, nonrenew or not reinstate such insurance policies. Additionally, some insureds with policies in force on August 26, 2005, who wish to make timely payment are also prevented from making such payment because of the aforementioned circumstances. This could result in an insured being without coverage and/or potentially uninsured. Emergency Rule 15 provides emergency relief to the insureds of Louisiana affected by Hurricane Katrina so that they will be insured and their coverage will continue under those policies that were in effect on or after August 26, 2005.

Accordingly, during this State of Emergency, the following rules shall apply:

- A. As to any insurance policy provision, notice, correspondence or law which imposes a time limit upon an insured, who is a victim of Hurricane Katrina, to perform any act or transmit information or funds with respect to said insurance, which act was to have been performed on or after 12:01 AM on August 26, 2005, the time limit shall be suspended during the term of the present State of Emergency, and any subsequent State of Emergency declared thereafter with regard to Hurricane Katrina.
- B. Any notice of cancellation, notice of nonrenewal, nonreinstatement or any other notice related to any type of insurance in force and effect at 12:01 a.m. on August 26, 2005 shall be null and void and have no force or effect. Furthermore, any such notice shall be reissued *de novo* to the insured in accordance with existing statutory requirements, but not until the present State of Emergency, or any subsequent State of Emergency, has been lifted by Governor Kathleen Babineaux Blanco.
- C. No policy shall be cancelled or nonrenewed solely because of a claim resulting from Hurricane Katrina.
- D. The renewal of any and all group life, health or disability insurance policies shall be deferred until January 1, 2006, and any rate increase that may be applicable to any and all group life, health or disability insurance policies shall be deferred until January 1, 2006. All group life, health or disability insurance policies in effect at 12:01 a.m. on August 26, 2005 shall continue in full force and effect until January 1, 2006 at the previously established premium.
- E. Any insurer, HMO, premium finance company, surplus lines insurer and other entity who receives a claim from an insured owing a premium may offset the premium due to the insurer, HMO, premium finance company, surplus lines insurer or other entity from any claim payment made under the policy.
- F. Nothing in Emergency Rule 15 shall be construed to exempt or excuse an insured from liability for the premiums otherwise due for actual insurance coverage provided.
- G. If the contract of insurance was financed by a premium finance company, the following provisions apply:
 - (1) The Premium Finance Company will issue a 10 day notice of intent to cancel and a cancellation notice in accordance with the terms of the premium finance agreement signed by the insured. In addition, the premium finance company shall be responsible to obtain proof of receipt of each such notice by the insured, which may be accomplished through mailing by certified mail, return receipt requested, or through any other

legally admissible method in a court of law. In addition, each such notice shall prominently contain the following statement:

“If you have been displaced through the loss of your (specify home, automobile, etc) or damage to your (specify home, automobile, etc) which has caused you to reside elsewhere on a temporary basis, or if you have temporarily become unemployed due to the destruction caused by Hurricane Katrina, please contact this office as soon as possible.

Victims of Hurricane Katrina will receive an automatic extension of time to bring their accounts up to date and no late charges will be applied to any late payments received which were due on their accounts during the term of the present State of Emergency, and any subsequent State of Emergency declared thereafter, with regard to Hurricane Katrina. The current State of Emergency extends from **Friday, August 26, 2005** through **Sunday, September 25, 2005**.

Therefore, if you are a victim of Hurricane Katrina, please contact us as soon as possible at (insert toll free telephone number) so that we may advise you of the status of your account. If you decide that you no longer need or desire to keep the coverage provided by the insurance policy financed by your contract with us, please contact us as soon as possible at (insert toll free telephone number) so that we may instruct you on how to effect cancellation with your insurer.”

(2) Upon receipt of a written request for cancellation by an insured, the premium finance company shall process the cancellation request in accordance with current law, and in accordance with the notice provisions consistent with Emergency Rule 15.

(3) The insurer shall hold all refunds until notified by the insured of the insured’s new mailing address, and proceed as follows:

- a. If the insurer receives notice of a claim on the cancelled policy with regard to a Hurricane Katrina event, the coverage that would have been available had the policy not been cancelled shall be extended for that claim.
- b. If the premium finance company receives payment from the insured or the insured’s agent on behalf of the insured to bring the account up-to-date, the premium finance company shall send a request for reinstatement to the insurer. Upon receipt of the request for reinstatement, the insurer shall immediately reinstate the policy with no lapse in coverage.
- c. No late charges shall be assessed against any insured who qualifies for protection under Emergency Rule 15.

- d. If the insurer does not receive a claim of loss on a policy for which it has received a notice of cancellation under subparagraph 1 above, or a request for reinstatement from the premium finance company pursuant to subparagraph 2 above, the insurer shall issue the return premium checks to the premium finance company based on the date the insured requested cancellation.

(d) Any insurer who finances its own premiums shall be subject to all provisions of subparagraph 6 of Emergency Rule 15, by reference, as if set forth herein *in extenso*.

- H. A cancellation or nonrenewal may occur prior to September 26, 2005, or the expiration of any subsequent State of Emergency declared with regard to Hurricane Katrina, at the written request or written concurrence of the policyholder.
- I. Emergency Rule 15 shall not relieve a policyholder who has a claim caused by Hurricane Katrina from compliance with the policyholder's obligation to provide information and cooperate in the claim adjustment process relative to the claim. No interest, penalty or other charge shall accrue or be assessed as the result of the suspensions required herein. Interest owed pursuant to premium financing plans with premium finance companies or insurers or their affiliates may be assessed.
- J. Any insurer receiving a claim from an insured owing a premium may offset the premium due to the insurer or the premium finance company from any claim payment made under the policy.
- K. Notwithstanding any other provision contained herein, the Commissioner may exempt any insurer from compliance with Emergency Rule 15 if the Commissioner determines that compliance with Emergency Rule 15 may be reasonably expected to result in said insurer being subject to financial regulatory action levels by the Commissioner.
- L. The provisions of Emergency Rule 15 shall be liberally construed to effectuate the intent and purposes expressed herein and to afford maximum consumer protection for the insureds of Louisiana.
- M. Emergency Rule 15 shall be deemed to be a prohibitory law. Accordingly, any insurer, HMO, premium finance company, surplus lines insurer or other entity doing business in Louisiana and/or regulated by the Commissioner of Insurance and the Louisiana Department of Insurance who violates any provision of Emergency Rule 15 shall be subject to prosecution under any applicable provisions of the Louisiana Insurance Code, including the provisions of the LSA R.S. 22:1211, et seq., and

specifically including, but not limited to, LSA R.S. 22:1214(7), (12) and (14). Additionally, the penalty provisions set forth in LSA R.S. 22:1217 shall be applicable. These provisions include civil penalties of \$1,000.00 for each separate act, or \$25,000.00 for each separate act if the violator knew or reasonably should have known he was in violation of Emergency Rule 15, as well as a cease and desist order and the imposition of other civil penalties and suspension or revocation of the license. Additionally, LSA R.S. 22:1220, which, among other things, imposes the obligation of good faith and fair dealing shall be deemed to be a prohibitory law. This law sets forth civil penalties and exemplary damages which shall be enforceable for any violation of Emergency Rule 15. Finally, any violator shall be subject to any and all other applicable civil and criminal sanctions for violations of Emergency Rule 15.

Emergency Rule 15 shall become effective at 12:01 a.m. on August 26, 2005 and shall continue in full force and effect for the duration of the present State of Emergency proclaimed by Governor Kathleen Babineaux Blanco, or any subsequent State of Emergency proclamation made thereafter.

Baton Rouge, Louisiana, this _____ day of September, 2005.

J. Robert Wooley
Commissioner of Insurance



Director
Office for Civil Rights
200 Independence Ave., SW Rm 509F
Washington, DC 20201

September 2, 2005

U.S. Department of Health and Human Services Office for Civil Rights

**HURRICANE KATRINA BULLETIN:
HIPAA PRIVACY and DISCLOSURES IN EMERGENCY SITUATIONS**

Persons who are displaced and in need of health care as a result of a severe disaster – such as Hurricane Katrina – need ready access to health care and the means of contacting family and caregivers. We provide this bulletin to emphasize how the HIPAA Privacy Rule allows patient information to be shared to assist in disaster relief efforts, and to assist patients in receiving the care they need.

Providers and health plans covered by the HIPAA Privacy Rule can share patient information in all the following ways:

- ✓ **TREATMENT.** *Health care providers can share patient information as necessary to provide treatment.*
 - *Treatment* includes
 - sharing information with other providers (including hospitals and clinics),
 - referring patients for treatment (including linking patients with available providers in areas where the patients have relocated), and
 - coordinating patient care with others (such as emergency relief workers or others that can help in finding patients appropriate health services).
 - Providers can also share patient information to the extent necessary to seek payment for these health care services.
- ✓ **NOTIFICATION.** *Health care providers can share patient information as necessary to identify, locate and notify family members, guardians, or anyone else responsible for the individual's care of the individual's location, general condition, or death.*
 - The health care provider should get verbal permission from individuals, when possible; but, if the individual is incapacitated or not available, providers may share information for these purposes if, in their professional judgment, doing so is in the patient's best interest.
 - Thus, when necessary, the hospital may notify the police, the press, or the public at large to the extent necessary to help locate, identify or otherwise

notify family members and others as to the location and general condition of their loved ones.

- In addition, when a health care provider is sharing information with disaster relief organizations that, like the American Red Cross, are authorized by law or by their charters to assist in disaster relief efforts, it is unnecessary to obtain a patient's permission to share the information if doing so would interfere with the organization's ability to respond to the emergency.
- ✓ **IMMINENT DANGER.** Providers can share patient information with anyone as necessary to prevent or lessen a serious and imminent threat to the health and safety of a person or the public -- consistent with applicable law and the provider's standards of ethical conduct.
- ✓ **FACILITY DIRECTORY.** Health care facilities maintaining a directory of patients can tell people who call or ask about individuals whether the individual is at the facility, their location in the facility, and general condition.

Of course, the HIPAA Privacy Rule does not apply to disclosures if they are not made by entities covered by the Privacy Rule. Thus, for instance, the HIPAA Privacy Rule does not restrict the American Red Cross from sharing patient information.



EXECUTIVE DEPARTMENT

EXECUTIVE ORDER NO. KBB 2005 - 32

***EMERGENCY SUSPENSION OF PRESCRIPTION, PEREMPTION AND OTHER
LEGAL DEADLINES***

- WHEREAS,** the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the governor of the state of Louisiana emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake or other nature or man-made causes;
- WHEREAS,** Hurricane Katrina struck the state of Louisiana causing severe flooding and damage to the southeastern part of the state, which has threatened the safety and security of the citizens in the affected areas, along with the private property and public facilities;
- WHEREAS,** pursuant to Proclamation No. 48 KBB 2005, a state of emergency was declared for the entire state and is currently in effect;
- WHEREAS,** as a direct consequence of the disaster and evacuation, attorneys throughout the state have clients whom they cannot contact due to the client's evacuation outside of their home parishes and in many cases, outside the state of Louisiana;
- WHEREAS,** similarly, there are clients who can not contact their counsel due to counsel's evacuation as well as the extreme challenges to communication networks resulting from the hurricane and subsequent flooding;
- WHEREAS,** in addition, attorneys from areas affected by Hurricane Katrina have clients and cases in parishes not directly affected by this extreme disaster, but because the attorney's office is either destroyed or not accessible, the attorney is not reasonably able to timely file claims or responses on behalf of their clients;
- WHEREAS,** La. Constitution Art. I, Section 22 provides that all courts shall be open, and every person shall have an adequate remedy by due process of law and justice, administered without denial, partiality, or unreasonable delay, for injury to him in his person, property, reputation, or other rights;
- WHEREAS,** Hurricane Katrina has also rendered several of the court houses temporarily inoperable and/or not fit for occupancy;
- WHEREAS,** the destruction and disruption of services and infrastructure to our system of justice caused by Hurricane Katrina will have a profound impact on the basic rights to an untold number of persons unless action is taken to suspend the effects of the tolling of legal delays during the period of this emergency; and
- WHEREAS,** the Louisiana State Bar Association, the Louisiana Trial Lawyers Association, and the Louisiana Association of Defense Counsel jointly requested the governor to suspend all deadlines applicable to legal proceedings, including prescription and peremption, in all Louisiana state courts, administrative agencies and boards;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: All deadlines in legal proceedings, including liberative prescriptive and peremptive periods in all courts, administrative agencies, and boards are hereby suspended until at least September 25, 2005, including, but not limited to, any such deadlines set for in the following:

- A. Louisiana Civil Code;
- B. Louisiana Code of Civil Procedure;
- C. La. R.S. Title 9, Civil Code Ancillaries;
- D. La. R.S. Title 13, Courts and Judicial Procedure;
- E. La. R.S. Title 23, Chapter 10, Worker's Compensation;
- F. La. R.S. Title 40, Chapter 5 Part XXI-A, Malpractice Liability for State Services; and
- G. La. R.S. Title 40, Chapter 5, Part XXIII, Medical Malpractice.

SECTION 2: This Order is effective upon signature and shall apply retroactively from Monday, August 29, 2005, through Sunday, September 25, 2005, unless amended, modified, terminated, or rescinded by the governor, or terminated by operation of law prior to such time.



IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 6th day of September, 2005.

/S/ Kathleen Babineaux Blanco
GOVERNOR OF LOUISIANA

**ATTEST BY
THE GOVERNOR**

/S/ Al Ater
SECRETARY OF STATE